



Committee and Date
Northern Planning Committee
3rd August 2021

Item
5
Public

Development Management Report

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Summary of Application

Application Number: 20/02248/FUL	Parish:	St Martins
Proposal: Erection of 35 dwelling units and associated operational development following demolition of existing school buildings and retention of the former schoolhouse as a single dwelling (amended description)		
Site Address: School House, Overton Road, Ifton Heath, St Martins SY11 3DH		
Applicant: Cornovii Developments Ltd		
Case Officer: Ian Kilby	email: planning.northern@shropshire.gov.uk	

Grid Ref: 332608 - 337131



Recommendation: Approve subject to the completion of a Section 106 agreement to

secure one affordable home and £30,000 to mitigate the loss of the playing field, and the conditions as set out in appendix 2 attached to this report and any modification to these conditions and the terms of the S106 as considered necessary by the Head of Planning.

REPORT

1.0 THE PROPOSAL

1.1 This full application is for the erection of 35 dwellings following demolition of all existing school buildings and the retention of the dwelling known as 'School House' as a single dwelling.

1.2 The applicant is Cornovii Developments Limited which is a private company wholly owned by Shropshire Council.

1.3 The application was reported to the 9 March Northern Planning Committee with a recommendation for refusal for the following reasons:

1. The application is for residential development of a site that is situated outside of the development boundary for St Martins and the proposal is contrary to the adopted development plan and conflicts policies relevant to the location of housing (CS1, CS4, and CS5 and SAMDev policies S14.2(v), MD1, and MD7a). The presumption in favour of sustainable development outlined in paragraph 11 and 12 of the NPPF is not engaged as Shropshire Council has in excess of a 5 year housing land supply. Little weight can be given to the emerging development plan as the local plan review has not yet reached a sufficiently advanced stage.

2. Although the proposal includes some material benefits above those that would in any case be required for development of this part brownfield site (including 12 additional affordable homes) it is not considered that the application provides sufficient overriding benefits that would justify a departure from the adopted Development Plan. Furthermore, the proposal includes the demolition of the former Ifton School, a non-designated heritage asset, and the benefits delivered by the scheme are not considered to outweigh its loss as required by SAMDev policy MD13 and the tests as set out in the NPPF. (par 197). Consequently, it is not possible to complete part 2 of the European Protected Species Test Matrix and conclude that there is no satisfactory alternative arising from the development

3. Whilst the scale, design and layout of the development is acceptable the applicant's noise assessment recommends that a 1.8m acoustic fence be provided along the front boundary to mitigate against noise and no details have been provided and it is considered that this would be visually prominent and would have an adverse impact on the character and appearance of the locality contrary to Local Plan policies CS6, CS17, and MD2

4. Many of the garden areas will not be able to achieve the recommended noise levels and optimum noise standards and it has not been satisfactorily demonstrated that noise mitigation to provide acceptable internal noise standards could be achieved without an acoustic glazing and ventilation scheme that requires windows to be kept closed. It is considered that the proposed development would therefore

have a detrimental impact on the quality of life of future occupants and would not protect the operation of neighbouring businesses and would be contrary to Local Plan policy CS6 and MD2, paragraph 180 and 182 of the NPPF and the Professional Practice Guidance on Planning and Noise (ProPG).

1.4 Following a request by the applicant, members resolved that consideration of the application be deferred to allow the applicant time to address the recommended reasons for refusal and to consider the viability assessment undertaken by RCA Consulting. The previous committee report is included at Appendix 3 in addition to the Schedule of additional letters with the officer response and recommendations included in Appendix 4.

1.5 The purpose of this report is to review the amendments and additional information received including any new consultation responses and decide whether they have overcome the recommended reasons for refusal.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The site is the former Ifton Heath Primary School that closed in 2012 when the primary school moved to the Rhyn Park Secondary School to provide an all-through school known as St Martins Academy. The site includes the former school building to the front of the site which is an early 20th century, red brick building under a slate roof and traditional in character, with more modern extensions and buildings to the rear, a hard surfaced area providing a former playground and car park to the side and a playing field bound by trees and hedgerows to the rear.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The application does not comply with the scheme of delegation as set out in Part 8 of the Shropshire Council Constitution as it relates to land owned by the Council for a proposal that is not in-line with statutory functions. The application was deferred at the March Northern Planning Committee.

4.0 **SUMMARY OF AMENDED PROPOSAL AND ADDITIONAL INFORMATION RECEIVED**

4.1 Amended layout plan
Amended landscaping plans
Amended Tree removal/retention plan
Revised house type plans
Revised Design and Access statement
Revised Noise Impact assessments
Revised Planning statements
Drainage statement
Traffic calming measures
Viability assessment
Confirmation that any affordable housing above that required by policy cannot be secured by a S106 or planning condition as that would preclude grant funding.

5.0 **CONSULTEE COMMENTS (most recent received after Northern Planning Committee on 09.03.2021)**

5.1 SC Regulatory Services (22.07.21): Revised comments.

Significant improvements to the site mitigation have been presented in the updated noise report by Nova acoustics ref: 6368CD dated 20/07/2021.

Commercial/industrial noise from the existing operations to the north have been assessed. The nearest proposed properties to this noise source will benefit from 2m high acoustic fencing to the perimeter of the site which will protect external areas to a reasonable level. In addition, averaged noise levels over day and night-time periods meet good internal standards while maximum noise levels have also been assessed and found not to be likely to exceed noise threshold levels that would create impacts for future users.

Road noise has been concluded to impact on future residents. In order to mitigate the impact a glazing and ventilation scheme has been proposed which allows good internal noise levels to be met inside all rooms. In order to ensure this glazing specification, it is advised that the glazing configuration on page 26 of the Nova report, Table 9, is conditioned as being installed by the applicant. The table refers to colour coded room facades that are presented in Figure 8 – Façade Designation, p18 of the report.

Discussions with the applicant have concluded that mechanical ventilation will be provided to all rooms facing the Overton Road noise source and across additional rooms and properties on the site. This will allow windows to remain closed to create a good internal noise environment while providing ventilation to enable cooling in hot conditions and avoid overheating. It is recommended that mechanical ventilation into all habitable rooms marked in purple and red is conditioned with the ventilation meeting the noise parameters set out in Table 11 – Recommended Internal Noise Levels from Mechanical Ventilation on p28 of the report with the ventilation specification meeting that specified in Table 10, p27, across the site.

An acoustic fence to 2m height has been produced and can be found in Figure 5 of the report. It is recommended that this is conditioned unless the fencing is specified on any plans which will already be conditioned as approved plans to be followed.

Subject to the mitigation strategy above the site can achieve a good internal noise environment for all future residents with reasonable external area noise environment at worst affected properties

5.3 SC Conservation (comments received 22.06.2021 in response to plans received in May 2021):**Background to Recommendation:**

In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, MD2 Sustainable Design, MD7b General Management of Development in the Countryside, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published February 2019.

Details:

The comments made in this section previously still remain unaltered with regard to the Heritage Assessment of the building. However, we do note that the plots that are proposed to replace the school building have been reorientated, as previously suggested as a more appropriate orientation. This amendment is a positive move in terms of how any buildings are read in the street scene.

Previous comment made with regard to plot 35 has not been addressed ie “It is also noted that there is a blank elevation opposite the entrance to the development which is uninteresting in terms of design...”. This reiterated and whilst the plot does not need to be reorientated it is normal design good practice to have some interest in elevations which could be viewed as a focal point when looking into the site.

Previous comments made with regard to pavements have not been addressed.

Previous comments regarding costs analysis in connection with the retention of the heritage assets has not been provided.

RECOMMENDATION:

Whilst some improvement has been made with regard to the orientation of the proposed dwellings on the frontage we still have concerns regarding the lack of justification provided which clearly evidences that demolition is the only option for the identified buildings.

There is concern regarding the total loss of the identified buildings and this will need to be considered in the planning balance under para 197 of the NPPF and MD13 where consideration of the loss of embodied energy should be a factor when looking at the overall benefits of the scheme. We still consider that the scheme does not comply with the other policies noted above and the harm will still be less than substantial due to the total loss of the heritage asset.

6.0 PUBLIC COMMENTS (received since 9 March 2021)

6.1 Additional comments from one local resident summarised as follows:

Building work will commence on the plot next to me in the coming weeks, to have construction traffic building on both sides of the road at the same time, is going to be a major hazard.

It is also going to require a rerouting of telephone cables and suggests that the builders and ‘Openreach’ work together to ensure all work is done at the same time.

The road is very busy with heavy goods vehicles and agricultural vehicles and every day vehicles mount the kerb to pass each other.

Suggests appropriate foundations in the houses will need to compensate for the vibrational damage of these trucks.

The road is used like a racetrack by 'local boy races' and suggests traffic calming is required.

A number of elderly people are looking for affordable small bungalows that currently live in 3-bedroom houses and want to stay in the village and if more affordable bungalows were built it would free up more affordable housing in the village.

The houses aren't affordable for locals within most new developments.

6.2 St Martins Parish Council has not responded to the re-consultation.

7.0 THE MAIN ISSUES

7.1 The main issues relating to the previous recommendation for refusal and to be addressed in this updated report include:

- Principle of development having regard to relevant adopted Local Plan Policy and the Emerging Development Plan / Local Plan Review
- Consideration of the scheme in the context of the settlement guideline for emerging Local Plan (SMH038)
- Layout, scale design character and appearance and loss of heritage asset
- Other Material considerations
- Ecology and Drainage
- Noise

The following paragraphs within the March report should be referred to for the consideration of the following issues that remain the same:

- Access/parking
- Open space provision and loss of playing field
- Trees and landscape
- Impact on residential amenity

8.0 OFFICER APPRAISAL

8.1 Principle of development having regard to relevant adopted Local Plan Policy and the Emerging Development Plan / Local Plan Review

8.1.1 The application was reported to the 9 March Northern Planning Committee with a recommendation for refusal for Four reasons. Each of these is considered further below having regard to work undertaken and information received since the deferral.

:

8.1.2 The first reason for refusal concerned the status of the development plan. The site is outside the development boundary for St Martins where open market housing would be contrary to the adopted development policies relevant to the location of housing including CS1, CS4, MD1 and S14.2(v). The proposal also does not meet the criteria for development that would be permitted in the countryside under policy CS5

and MD7a. While a new Local Plan was under preparation which identified this site for housing it was not considered by officers at that time to have reached a sufficiently advanced stage to attract weight together with other material considerations sufficient to override the conflict with the adopted local plan.

- 8.1.3 However, Paragraph 48 of the NPPF describes the weight that can be given to emerging policies:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

- 8.1.4 Paragraph 49 advises that arguments that an application is premature are unlikely to justify a refusal of planning permission unless '*the emerging plan is at an advanced stage but is not yet formally adopted*' and to '*grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan*'. It is therefore advised that refusing the application on the grounds of prematurity cannot be justified.

- 8.1.5 At its meeting of 15 July 2021 Council resolved to submit the Draft Local Plan to the Secretary of State to enable an independent Examination in Public (EiP) to take place,. This represents a change in the status of the local plan having regard to Para 48(a). The submission of the Local Plan to the Planning Inspectorate will be followed by an examination in public (EiP). This is a crucial aspect of plan preparation where an independent planning inspector is appointed by the Secretary of State to examine the 'soundness' and legal compliance of the Plan. Importantly, the inspector will also have the opportunity to consider all the consultation responses made to the most recent pre-submission draft of the Local Plan, which the Council consulted on between December 2020 and February 2021. The EiP process is therefore an opportunity for those who made objections to the Plan at the recent Regulation 19 stage to have their views considered by the Inspector. The Inspector can suggest modifications to the Plan in order for it to be found 'sound' and therefore able to be adopted. The EiP process is likely to last at around 12 months and is due to be undertaken later this year and during 2022.

- 8.1.6 It is a matter for the decision taker what weight to apply to the status of the emerging plan having regard to Para 47 of the NPPF. It is understood that although there are objections to some aspects of the emerging plan including emerging policy SP2 Strategic Approach (in relation to a challenge to the housing figures within the plan being above the figures within the local housing need assessment) there are no objections to the inclusion of this site. The only comment made on this site at the Pre-Submission (Regulation 19) stage consultation was from the Environment Agency who provide the following comments: This is a former mining area so there

may be ground contamination/stability issues that will need to be addressed. Given the proposed scale of the development mains foul drainage will be required. It is considered these issues can be addressed by means of condition. Paragraph 48(b) of the NPPF is relevant in this regard and it is suggested that the Council's decision to submit this Plan to the Planning Inspectorate for consideration to include this site with no unresolved objections should attract some weight in the balance of considerations for this application.

- 8.1.7 Specifically, the site allocation (SMH038) has the following development guideline for 35 dwellings:

Development following appropriate relocation of existing site occupants.

Development to fund an appropriate estate road junction onto Overton Road.

Opportunities for retention and conversion of historic school building to be sought.

An assessment of whether the open space on the site is surplus to requirements must be undertaken. If this concludes the open space is not surplus, then an appropriate financial contribution will be required to fund the equivalent or better provision.

The scheme design should complement the site setting and reflect outcome of ecological and heritage assessments.

Provision of a suitable water supply and foul-water disposal which will not adversely affect the River Dee SAC must be demonstrated via HRA for this site to be developed.

The design and layout of development and appropriate boundary treatments should mitigate noise from the road to the east of the site.

The site will incorporate appropriate sustainable drainage, informed by a sustainable drainage strategy. Any residual surface water flood risk will be managed by excluding development from the affected areas of the site, which will form part of the Green Infrastructure network. Flood and water management measures must not displace water elsewhere.

- 8.1.8 That some weight can be given now to the emerging local plan is one of a number of material considerations to be taken into account in the overall planning balance. In addition, if weight is given to the site allocation within the emerging plan consideration also needs to be given to the level of compliance with the site allocation guidelines and the requirements of other policies within the draft plan.

8.2 **Consideration of Scheme in Context of Settlement Guideline for emerging Local Plan (SMH038).**

- 8.2.1 In this regard the guidelines for SMH038 are set out below with responses. It is considered that the scheme now addresses the guidelines set out in the emerging Local Plan with regards to the site allocation. Compliance with other policies within the draft local plan are considered later within the report.

- * Guideline is for 35 dwellings, *35 dwellings are proposed.*
 - * Development following appropriate relocation of existing site occupants – *the school was closed in 2012 and the students now accommodated at the St Martins School*
 - * Development to fund an appropriate estate road junction onto Overton Road – *this is provided by the scheme, there are no Highways objections*
 - * Opportunities for retention and conversion of historic school building to be sought. *There has been extensive dialogue and consideration over the issue of retaining the school. This is considered further under the officer response to the second reason for refusal of the March report to Members (set out at para 8.3 below)*
 - * An assessment of whether the open space on the site is surplus to requirements must be undertaken. If this concludes the open space is not surplus, then an appropriate financial contribution will be required to fund the equivalent or better provision. *The proposal includes marginally more open space than the adopted and emerging plan requirement and the loss of the playing field is being mitigated by a contribution to sports facilities at St Martins School.*
 - * The scheme design should complement the site setting and reflect outcome of ecological and heritage assessments. *The application is considered to achieve these objectives*
- Provision of a suitable water supply and foul-water disposal which will not adversely affect the River Dee SAC must be demonstrated via HRA for this site to be developed. *There are no outstanding ecological issues.*
- * The design and layout of development and appropriate boundary treatments should mitigate noise from the road to the east of the site. *Further work has been undertaken to address noise mitigation further to the March committee report and this will be considered further under the response to reasons 3 and 4 of the original recommendation considered below.*
 - * The site will incorporate appropriate sustainable drainage, informed by a sustainable drainage strategy. Any residual surface water flood risk will be managed by excluding development from the affected areas of the site, which will form part of the Green Infrastructure network. Flood and water management measures must not displace water elsewhere. *Surface water drainage has not yet been agreed with WSP on behalf of SC drainage and a condition is therefore recommended requiring full drainage details to be submitted for approval prior to any above ground works here are no outstanding objections regarding drainage issues.*

8.3. The second draft reason for refusal relates to the Layout, scale design character and appearance and loss of heritage asset.

8.3.1 There has been significant consideration of this issue following the deferral of the application and the balance of planning considerations has also changed in this time. If committee is minded to accept the officer assessment of the issues with regards to the first draft reason for refusal (March committee report) then it will follow that it would be affording some weight to the emerging plan and policies. The question of affordable housing is dealt with further below. The focus of this second reason for refusal is the loss of the school which is considered a non-designated heritage asset and that the proposal provided insufficient overriding benefits to justify

both the loss of the school and the conflict with the adopted plan.

- 8.3.2 The applicant has considered further the potential for the conversion of the school and considers that this would be likely to require a number of design changes that could negatively impact the setting and character of the building including the replacement of windows and, should the gardens be positioned to Overton Road, the negative impact of acoustic fencing on both the street scene and the building. The applicant undertook a financial viability appraisal of the scheme confirmed that the conversion option delivered a profit of 8.46% against a target of 15-20% which Government considers a suitable return for developers.
- 8.3.3 In assessing the impact of the demolition the design, layout and context of the replacement buildings are relevant considerations. The proposed dwellings have been designed with respect for their context, including the use of design details and proportions that acknowledge but do not copy the character of the original school building. The designs incorporate the use of string courses, recessed brick panels, deep window reveals, and corbeled gables and eaves to create a sense of depth of wall construction and allow the development to represent the context of the school without imitating it.
- 8.3.4 The applicant also proposes to reuse the plaque from the former school within the gable of plot 35, would agree to a photographic record / assessment of the building prior to demolition and onsite interpretation of the sites former school use, should the Council consider this to be of benefit.
- 8.3.5 Furthermore, the scheme has been redesigned in consultation with colleagues from Regulatory services so as to remove the requirement for an acoustic fence to the Overton Road frontage which has significant benefits in urban design terms as the buildings and landscape design is able to contribute far more positively to the public realm.
- 8.3.6 The Council's conservation officer acknowledges the changes to the scheme but remains concerned about the total loss of the school buildings and recommends that this will need to be considered in the overall planning balance.
- 8.3.7 Paragraph 204 of the NPPF advises local planning authorities not to permit the total loss of a heritage asset without taking all reasonable steps to ensure that new development will proceed after the loss has occurred. This could be secured with a planning condition preventing demolition from taking place until contracts are let for the redevelopment of the site.
- 8.3.8 On balance, it is considered that having regard to the changing status of the local plan and the design amendments secured providing quality designed housing, meeting local need will outweigh the loss of the non-designated Heritage Asset.
- 8.3.9 The third and fourth draft reasons for refusal when the report was presented to committee in March concerned noise and these are considered together and are assessed later in the report.

8.4 **Other Material Considerations**

8.4.1 Affordable Housing

The current scheme is policy compliant in terms of affordable housing. However, when the application was presented to Committee in March the applicant was offering to over provide affordable dwellings against the Council's requirement. This would have been a factor weighing positively in the planning balance. The over-provision of affordable dwellings would be provided by way of grant funding from Homes England.

8.4.3 However, the applicant has confirmed that Homes England will not now consider funding applications to be subject to planning condition or legal agreement and so the over provision cannot now be given weight in the planning balance.

8.4.4 The applicant has nevertheless confirmed that grant funding will be sought from Homes England. This position is also understood and accepted by the Council's Housing Enablement Team. Cornovii Developments Limited has been successful in previous grant applications for additionality under earlier Homes England regimes and has also confirmed that it would not proceed to develop this site unless the Homes England funding to provide the additional 12 affordable homes is forthcoming.

8.5 Open Space

8.5.1 The proposal includes marginally more open space than the adopted and emerging plan requirement of 30sqm per bedroom (3,208 sqm instead of 3,060 sqm). The supporting statement indicates that weight should be given to the offer of an off-site contribution of £30,000 towards the provision of sports and recreation facilities in St Martins. However, as indicated in paragraphs 6.4 of the March report this contribution is required to mitigate for the loss of the playing field on this site and to contribute to the provision of sports pitches at St Martins School where the Ifton Primary school was re-located to. This provision is an adopted and emerging local plan (and NPPF) policy requirement of developing this site and is also referred to in the housing guidelines for this proposed site allocation.

8.6 Traffic calming

8.6.1 The Highway Authority is supportive of the proposed development. The applicant has proposed a traffic calming scheme to the north of the site which includes a graded speed reduction into the village (moving the national speed limit further out from the settlement boundary) and the provision of dot matrix speed sign as a visual deterrent to speeding.

8.6.2 This traffic calming is not required to make the scheme acceptable from a Highway perspective but could be considered as a benefit and has been agreed following discussions with the Parish Council due to the concern of some residents and to address a perceived issue with speeding along Overton Road. The provision of these traffic calming measures that can be secured by planning condition provide a benefit beyond that which would be required by policy or highway safety requirements.

8.6.3 From a highway aspect there are considered to be material highway safety benefits with the proposed redevelopment of the site. Notwithstanding that the infants school was moved to Rhyn Park (now St Martins School) some while ago, the planning land use remains and school sites can be problematic at the peak morning drop off and afternoon pupil pick up periods. This can particularly be the case with Infant schools where it requires a parent/guardian to walk the child to and from the premises, potentially to a parked vehicle on the roadside nearby. This site is located towards the extremity of the village and the 30 mph speed limit and therefore the likelihood of parked vehicles along roadside when the school was operational would potentially have led to highway safety hazards. This was never a well located school premises and certainly one that highways would not support now. By contrast the redevelopment of the site to housing would remove those previous school parent/parking issues. From a highway perspective therefore and considering its former permitted school use, there is highway support to this application and having regard also to other potential land uses which could otherwise be promoted

8.7 Previously developed land

8.7.1 Having regard to the NPPF definition it is considered the site can be considered to be previously developed land and additional weight can be given to the redevelopment in accordance with paragraph 85 of the NPPF that encourages the use of previously developed land, and sites that are physically well-related to existing settlements.

8.8 Sustainable development

8.8.1 The NPPF outlines that there are three overarching objectives in achieving sustainable development:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

8.8.2 Although situated outside the current settlement boundary for St Martins the site is situated on the edge of the settlement that offers a range of facilities some of which would be reasonably accessible on foot or by cycle and therefore all residents would not need to be heavily reliant on the private motor car to access some services and facilities. As with all housing proposals development would provide some economic

benefits during the construction phase and on occupation would support local businesses. The proposal would boost housing numbers and provide a mix of house types and sizes to meet local needs. However, the proposal would result in the loss of a non-designated heritage asset which is also identified as a bat roost. Mitigation for this loss is proposed in addition to landscaping and ecological enhancement of the site.

- 8.8.3 Development of this brownfield site would generally meet the three objectives of sustainable development. However, a presumption in favour of sustainable development outlined in paragraph 11 and 12 of the NPPF is not engaged as Shropshire Council has in excess of a 5-year housing land supply and so this alone would not be a reason to support the application.
- 8.9 Compliance with the emerging local plan policies highlighting benefits that exceed the relevant criteria/standards of adopted policy
- 8.9.1 If some weight is afforded to the emerging local plan then the applicant needs to demonstrate that this extends beyond the principle of the site allocation and includes also commentary and a response to the emerging development plan policies especially where the new policy is providing additionality compared with the current policy framework. The applicant has set out a response in detail at section 6.10 of the updated planning statement and the following is a summary of the additional benefits arising from this proposal that are compliant with the emerging plan and exceed the adopted plan requirements.
- 8.9.2 SP3. and DP11. Climate Change: Designed to Future Homes Standards (which exceeds current Building Regulation requirements and is not anticipated to be a national requirement until 2024), and with A-rated boilers resulting in a scheme being 20% more energy efficient than typical new build properties under Part L of current Building Regulations.
- 8.9.3 The applicant has confirmed also that proposed development will achieve compliance with DP11 (1.c.) which requires 10% of the predicted energy needs from onsite renewable or low-carbon sources as a result of the financial viability of the proposed development as per the submitted Financial Viability Assessment of Submitted Development Proposals), meeting the exception allowed within DP11(4). This will be secured by a planning condition
- 8.9.4 SP6. Health and Wellbeing: The homes will meet the Nationally Described Space Standards and are therefore considered to be of an appropriate size with flexible living spaces for home working and schooling.
- 8.9.5 SP17. Waste Management Infrastructure: The applicant is willing to agree to a condition for a Site Waste Management Plan to support the proposed development, with the strategy based on the waste hierarchy seeking the re-use or recycling or material as a preference to off-site disposal. It is anticipated that the material from the demolition of the existing buildings can be re-used for the construction of the bat roost, and brick boundary treatments, with other won materials crushed and reused for the highway base.
- 8.9.6 DP1. Residential Mix: The mix meets the request of the Council's Housing Strategy

team, and also meets the policy requirement of at least 25% 2bed, and 25% 3 bed, with the site providing 26% and 49% respectively, and a number of bungalows, identified as a specific need within the local area.

- 8.9.7 DP12. The Natural Environment, DP14. Green Infrastructure and DP16. Landscaping of New Development: Whilst the proposed development is not supported by a formal biodiversity net gain calculation, the submitted soft landscaping scheme identifies the retention of a number of good quality trees established within and to the edge of the site and includes a biodiversity and enhancement plan based on the recommendations within the supporting Ecology Report, including the provision of bird and bat boxes and a bat roost, hedgehog boxes (and fence holes), and a pond area to provide a marginal aquatic and wetland meadow.
- 8.9.8 The proposed development results in a reduction of the sites hardstanding/built (impermeable) area of 26%. The site also includes two areas of public open space, the southern area retaining the existing trees and amenity grass and the northern area provides a pond area within the canopy of existing trees, providing a marginal aquatic and wetland meadow area. The resultant provision of the two areas of open space, proposed landscaping, including the provision of 30 heavy standard trees, and the retention and strengthening of the boundary hedgerows to maintain connectivity is a significant biodiversity enhancement above the existing baseline.
- 8.9.9 DP20. Water Efficiency: The dwellings are designed to meet the Building Regulation targets of water use at a maximum of 105 litres per person per day, which will partly be achieved by the use of dual flush toilets and water-saving sanitaryware/baths.
- 8.9.10 DP27. Broadband and Mobile Communications Infrastructure and DP28. Communications and Transport: The proposed development will be serviced by broadband infrastructure using fibre broadband to all dwellings. All dwellings will also be provided with passive electric vehicle (EV) charging points.
- 8.9.11 The proposal accords with the emerging plan policy where the aims and objectives are the same as existing policy and the above are additional standards and benefits arising from this proposal in compliance with the additional criteria of the emerging policy. These benefits are a material consideration in supporting this proposal and delivering the scheme early.
- 8.10 **Drainage**
- 8.10.1 The draft allocation refers to the '*provision of a suitable water supply and foul-water disposal which will not adversely affect the River Dee SAC must be demonstrated via HRA for this site to be developed*'. It should also be recognised that in their recent comments to the Regulation 19 Pre-Submission Local Plan consultation, the Environment Agency commented on this site indicating that given the proposed scale of the development mains foul drainage will be required.
- 8.10.2 Having regard to this a short drainage statement has been submitted that refers to the concern regarding high levels of phosphates, that have been attributed to farming and sewage treatment that can permeate into watercourses. It concludes that the proposal represents a 26% betterment in terms of removing leached

pollutants to watercourses and that the proposal will reduce the risk of any contamination or downstream flooding remote from the scheme.

- 8.10.3 The earlier submitted proposed drainage strategy indicates that the foul and service water drainage systems proposed within the development will connect into the existing sewers within Overton Road. No amendments have been made to the drainage strategy. WSP on behalf of SC Council has not approved the submitted drainage scheme and has recommended that a pre-commencement condition is imposed on any approval requiring a scheme of surface and foul water drainage to be submitted to and approved in writing by the Local Planning Authority. The applicant has agreed the imposition of such a condition on any approval.

8.11 Ecology

- 8.11.1 Ecology surveys revealed the presence of bats within some of the buildings to be demolished. Mitigation and compensation measures have been submitted that will include the provision of bat boxes, and other ecological enhancements such as bird boxes are recommended.
- 8.11.2 SC Ecology team has confirmed that the proposed development will not be detrimental to the maintenance of the population of bats at a favourable conservation status within their natural range provided that the recommended conditions are included in any decision notice for approval and are appropriately enforced. Work proceeding in accordance with these conditions will ensure the protection of wildlife and the provision of ecological enhancements required by policy MD12 and CS17. A European Protected Species licence will be required for the proposed work. The 'three tests' must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful. In this case, the application was recommended for approval subject to an EPS 3 tests matrix has been provided by the Ecologist with part 3 completed and is included in appendix 1 of this report.
- 8.12 Reasons 3 and 4 set out to committee in March related to potential noise impact.
- 8.12.1 Further to the deferral the applicant has worked with the Planning and Regulatory Services teams to provide a scheme (redesigning and repositioning plots), which with mitigation is acceptable from a noise perspective. The working included an updated environmental noise survey and noise impact assessment to assess the suitability of the site for residential development. The measured ambient sound levels allowed a BS8233:2014 noise assessment to be carried out. The report confirms that

“Industrial noise incident on the site during the day and night time has been assessed. The BS4142 screening assessment indicates the rating noise levels at the most exposed plot are above the background sound level. However, in this context BS4142 states the following: ‘Where a new noise-sensitive receptor is introduced

and there is existent industrial and/or commercial sound, it ought to be recognized that the industrial and/or commercial sound forms a component of the acoustic environment. In such circumstances, other guidance and criteria in addition to or alternative to this standard can also inform the appropriateness of both introducing a new noise-sensitive receptor and the extent of required noise mitigation’.

Given this a further comparative assessment was undertaken, including a ProPG and W.H.O Guidelines assessment, both indicate the specific noise from the industrial sources are low.

A sound insulation scheme and acoustic design statement have been provided in including glazing and an alternative ventilation strategy. These recommendations should be sufficient to achieve the internal noise levels for the proposed development according to the BS8233:2014 internal noise criteria garden area fencing has been advised.

- 8.12.2 The mitigation offered within the updated Noise Assessment (20th July 2021) has been considered by the Council’s Regulatory Services officer who has confirmed that subject to the mitigation strategy the site can achieve a good internal noise environment for all future residents with reasonable external area noise environment at worst affected properties. As a consequence of the mitigation and re-design of the layout, the proposal does not now require any acoustic fencing to the Overton Road frontage thereby addressing the third previously recommended reason for refusal. The mitigation strategy can be conditioned as part of any approval and this along with the amendments to the layout addresses the fourth reason for refusal.

9 CONCLUSION

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.2 The settlement of St Martins is identified as a Community Hub in the Policy S14.2(v) of the adopted SAMDev Plan, which includes a housing requirement of around 200 dwellings over the plan period. In delivering this requirement, the Plan identifies a specific allocation (STM029) for 80 dwellings. The latest monitoring data indicates the settlement is delivering well against its planned requirement, and therefore it is considered SAMDev Policy MD3 (3) is not engaged.
- 9.3 However, the site is identified for housing development in the emerging local plan and it is considered there are no unresolved objections to this specific site. At its meeting of 15 July 2021 Council resolved to submit the Draft Local Plan to the Secretary of State for consideration leading to adoption. This represents a change in the status of the local plan having regard to NPPF Para 48(a) and it can attract some weight in the balance of planning considerations.
- 9.4 The application has been revised and specific regard taken to the settlement guideline requirements for this proposed allocation It is considered that the scheme addresses the guidelines set out in the emerging Local Plan with regards to the site allocation (SMH038)

9.5 The application is considered to be compliant with other policies of the adopted and emerging plans and other issues, specifically noise mitigation, that formed the basis of the recommended reasons for refusal in the report to committee have also been addressed.

9.6 It is considered on balance that having regard to the current status of the emerging development plan and the other specific material planning considerations set out in this report that the benefits of delivering the scheme now outweighs the harm arising from the conflict with the adopted development plan. Therefore, officers are of the view that the application should be approved.

10.0 Risk Assessment and Opportunities Appraisal

10.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

10.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

10.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

11.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

12. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and SAMDev Policies: CS1, CS4, CS5, CS17, S14.2(v), MD1, MD2, MD7a), MD12 and MD1

13. Additional Information

List of Background Papers

Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder) - Councillor Gwilym Butler

Local Member - Councillor Steven Davenport

APPENDICES

APPENDIX 1: EPS 3 Tests Matrix

APPENDIX 2: Recommended Conditions

APPENDIX 3: 9 March 2021 Northern Planning Committee Report

APPENDIX 4: 9 March 2021 Northern Planning Committee Schedule of Additional Letters

APPENDIX 1: EPS 3 Test Matrix**European Protected Species Three Tests Matrix**

Test 3 completed by Shannon Davies Planning Ecologist

shannon.davies@shropshire.gov.uk

Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The provision of housing in a sustainable location using previously developed land and on a site allocated for housing in the emerging local plan which the Council has resolved to submit for examination is in the public interest to support the aspirations of that plan as part of the framework for housing delivery across the county. The development of this site to meet a housing need is considered to represent sustainable development having regard to social and economic benefits.

Test 2

Is there '**no satisfactory alternative?**'

The only alternative would be not to develop the site or to consider a proposal that included retaining the school as part of the scheme. The applicants' viability assessment concludes that a scheme involving the retention of the school would not be viable and the applicant would not be able to progress delivery of the scheme that included retaining the school. The vacant buildings would remain redundant and the housing would not be provided.

Test 3

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

Bat surveys between May and June 2020 identified the following bat roosts in the buildings:

- Building B1 – day roost for low numbers of common pipistrelle bats;
- Building B2 – infrequently used day roost for low numbers of lesser horseshoe bat, day roost for low number of common pipistrelle bats; and,
- Building B3 - infrequently used day roosts for low numbers of lesser horseshoe and brown long-eared bats.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

Section 7 of the Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation Strategy (Middlemarch, Environmental Ltd, February 2021) sets out the following mitigation and compensation measures, which will form part of the licence application:

Pre-works survey

A pre-works survey will be undertaken immediately prior to any building or demolition works taking place. This will comprise a daytime assessment and a nocturnal emergence survey

(where weather conditions and seasonality permit). This will ensure that the bat roosting status of the site has not altered since the activity surveys were undertaken. If the status has not altered, then works can proceed as per the Natural England licence. If the status of the bat roost has changed, advice will be sought from Natural England.

New Roost Creation

Due to the presence of roosts of void dwelling bat species on site, in particular the presence of lesser horseshoe bat, it will be necessary to construct a 'bat barn' prior to the demolition of buildings B2 and B3. This will be constructed at the location shown on Drawing C152069-02-05 in Chapter 8. This approach has been discussed and approved by the client. The 'bat barn' will have features incorporated into the design to provide replacement roosting habitat for both crevice dwelling (e.g. common pipistrelles) and void dwelling species (e.g. brown long-eared bats and lesser horseshoe bats). The structure will also provide a shelter and seating area for residents using the area. The design of the structure and key features for bats are shown on drawings C152069-02-05 to -09 in Chapter 8.

Additional bat box features proposed at the site can be found in the Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation Strategy report (Middlemarch, Environmental Ltd, February 2021).

Timing of Works

No timing restrictions will be necessary for works to roosting locations within the buildings as they contain only day roosts. The construction of the bat barn will need to be completed prior to the demolition of any buildings which contain bat roosts.

Toolbox Talk

Prior to any works taking place on a building containing a bat roost, a 'toolbox' talk by a suitable experienced ecologist will be held with the site team in order to ensure that the contractors are aware of the bat issues associated with the site. This 'toolbox' talk will discuss the appropriate methodologies to remove the features around the building to ensure that no harm to bats occurs.

Ecological Clerk of Works

All suitable bat roosting features present on Buildings B2 and B3 will need to be removed by hand under supervision of a licensed bat worker.

If at any point a crevice dwelling bat is discovered during the exclusion works then it will be caught by hand, placed in a cotton bag and transferred to one of the bat boxes installed on the site. If a void dwelling species is discovered, then it can be placed directly into the created bat barn.

The site works will not be undertaken when it is raining to ensure that bats do not get wet when re-located to their new roost location. The bat boxes are suitable for year-round use by crevice dwelling bats.

Any recovered bat droppings found during the works will be relocated to the bat boxes or bat barn installed on site prior to works commencing.

In the unlikely event that a bat becomes injured, any injured bats will be immediately taken into care (as directed by the Bat Workers Manual, 2004). Details of a local experienced bat carer are known.

Unexpected Bats Following Completion of Exclusion Works

If a bat is discovered unexpectedly, works to the building will stop immediately (to prevent any bat being disturbed or harmed) and the named ecologist or accredited agent on the licence granted will attend the site. The mitigation installed on site is appropriate for year-

round use and the bat worker will relocate any discovered bat using the methodologies detailed above. The site will be re-assessed or if an amendment to the licence needs to be submitted to prevent breaches of the licence granted by Natural England.

Lighting

Any new lighting should be designed in accordance with the principles of 'Landscape and Urban Design for Bats and Biodiversity' as published by the Bat Conservation Trust (Gunnell et al, 2012). In particular, lighting should not impact on the boundary vegetation, or retained vegetation south of the development, or upon the bat barn. Materials used under lights, such as floor surfaces, should have a minimum reflective quality to prevent light reflecting upwards into the sky. This will ensure that bats using the site and surrounding area to roost/forage/commute are not affected by illumination.

The design of any lighting strategy for the site should be discussed with and approved by Middlemarch Environmental Ltd to ensure that no roosting locations installed on site are subject to illumination and connectivity between roost sites and foraging grounds is maintained.

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of Common Pipistrelle, Lesser Horseshoe and Brown Long-eared bats at favourable conservation status within their natural range, provided that the conditions set out in the response from Shannon Davies to Jane Raymond (dated 25th February 2021) are included on the decision notice and are appropriately enforced. The conditions are:

- European Protected Species Licence;
- Working in accordance with protected species survey reports;
- Ecological Clerk of Works condition (bats) – this includes confirmation of the roost provision as stated in the Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation Strategy (Middlemarch, Environmental Ltd, February 2021) report.
- Lighting plan.

APPENDIX 2: Recommended Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities; - measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- a construction traffic management (and HGV routing plan) and community communication protocol;
- construction and delivery times.

Reason: To avoid congestion in the surrounding area and in the interests of safety and to protect the amenities of the area.

4. No works associated with the development permitted shall commence and no equipment, machinery or materials shall be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted and approved Tree Protection Plan have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: This information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction commences to safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area

5. Notwithstanding condition 4, no works associated with the development permitted shall commence and no equipment, machinery or materials shall be brought onto the site for the purposes of said development until a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

Reason: This information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction commences to safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

6. Demolition of the school buildings considered to be a non-designated heritage asset shall not commence until a photographic Level 1 survey (as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/ exterior of the school building has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the building prior to development.

7. Demolition of the school buildings shall not commence until contracts for the redevelopment of the site have been submitted to the LPA.

Reason: To ensure that new development will proceed after the loss of the heritage asset has occurred as required by Paragraph 204 of the NPPF

8. No works shall take place to Buildings B1, B2 or B3 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of bats, which are European Protected Species.

9. All works to the site shall occur strictly in accordance with the mitigation measures regarding birds, hedgehogs, Great Crested Newts and reptiles as provided in Section 7 of the Ecological Assessment (Star Ecology, May 2020) and all works to Buildings B1, B2 or B3 shall occur strictly in accordance with Section 7 of the Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation Strategy (Middlemarch, Environmental Ltd, February 2021), or in accordance with alternative surveys and mitigation measures/strategy submitted to and approved in writing by the LPA .

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species, birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended) and other protected wildlife.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

10. No above ground works (other than demolition and site clearance) shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

11. The noise mitigation contained within the Nova report dated 07.2021 (including the erection of 2m high acoustic fencing as indicated within the report and the approved plans, and the installation of glazing and mechanical ventilation according to the specification set out within the Nova report) shall be implemented prior to the first occupation of the relevant dwellings and permanently retained.

Reason: To ensure a satisfactory internal noise and external noise environment for future residents.

12. Prior to the occupation of any dwelling the proposed traffic calming measures shown for illustrative purposes on Drawing No.SK01 Rev PS shall be implemented in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. Prior to first occupation each dwelling shall be provided with an electric vehicle charging point.

Reason: To promote more sustainable transport including electric vehicles in accordance with draft local plan policy DP28.

14. The carriageways and footways within the development shall be laid out in accordance with the approved drawings, and prior to any dwelling being first occupied the access road and footway serving that dwelling to be occupied shall be constructed to base course level in accordance with an engineering specification to be first submitted to and approved in writing by the Local Planning Authority. Reason: To provide an adequate means of pedestrian and vehicular access to each dwelling.

15. Prior to the occupation of the 35th dwelling within the development the estate roads as shown on the approved drawings shall be final surfaced in accordance with an engineering specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To coordinate the completion of the estate road construction to serve the development.

16. Prior to the above ground works commencing details of the roofing materials, the materials to be used in the construction of the external walls and the details of all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

17. All hard and soft landscape works including boundary fencing shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

18. The date plaque from the former school shall be included within the gable of plot 35 and details of on-site interpretation of the sites former school use shall be submitted to and approved in writing by the LPA prior to the first occupation of any of the dwellings. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To maintain an-on-site record of the sites former use and significance.

19. Prior to the occupation of any part of the development a landscape management plan (to include a maintenance schedule and management responsibilities) for all open space and landscape areas (other than privately owned, domestic gardens) including the on-site interpretation approved under condition 18 shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved in perpetuity or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To ensure the adequate future management and maintenance of open space and landscaped areas that are outside privately owned gardens.

20. Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes and hedgehog boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall be erected on the site prior to the first occupation / use of the buildings and shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds and breeding and/or hibernating opportunities for Hedgehogs, in accordance with MD12, CS17 and section 175 of the NPPF.

21. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme

shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

22. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Bat Mitigation and enhancement measures (include photographs of installed features) at the site as set out in Section 7 of the Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation Strategy (Middlemarch Environmental Ltd, February 2021) or in accordance with alternative mitigation and enhancement measures submitted to and approved in writing by the LPA.

Reason: To demonstrate compliance with the bat mitigation and enhancement measures to ensure the protection of bats, which are which are European Protected Species and to ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

23. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN Risk Avoidance Measures (RAMs), as set out in Section 7.4.3 of the Ecological Assessment (Star Ecology, May 2020) or in accordance with alternative RAMS submitted to and approved in writing by the LPA..

Reason: To demonstrate compliance with the GCN RAMS to ensure the protection of great crested newts, which are European Protected Species.

24. No dwelling hereby approved shall be occupied until an Affordable Housing Strategy, providing the detail of arrangements for the provision of additional affordable housing as part of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include;

- (a) the identification of the number and location of dwellings which shall be constructed as an affordable unit;
- (b) the type and nature and the affordable tenure of each affordable dwelling to be provided as part of the development;
- (c) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and

(d) the occupancy criteria to be adopted for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

(e) confirmation of any funding conditions associated with the affordable housing units.

The affordable dwellings shall be occupied in accordance with the agreed Affordable Housing Strategy SAVE THAT the provisions of this condition shall not be binding on a mortgagee or chargee or any receiver (including an administrative receiver appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a receiver)) of the whole or any part of the dwellings or any persons or bodies deriving title through such mortgagee or chargee or receiver PROVIDED THAT

a. such mortgagee or chargee or receiver shall first have given written notice to Shropshire Council of its intention to dispose of the affordable dwellings and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the affordable dwellings to another registered provider or to Shropshire Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies interest and costs and expenses;

and

b. if such disposal has not been completed within the three month period the mortgagee chargee or receiver shall be entitled to dispose of the affordable dwellings free from this condition.

Reason: To secure the provision of an affordable units and to ensure a satisfactory standard of control over the occupation of the affordable unit as required by policies CS1, CS4, CS9 and CS11 of the Shropshire Core Strategy”.

APPENDIX 3: 9 March 2021 Northern Planning Committee report

Committee and date

NORTHERN

March 2021

Item

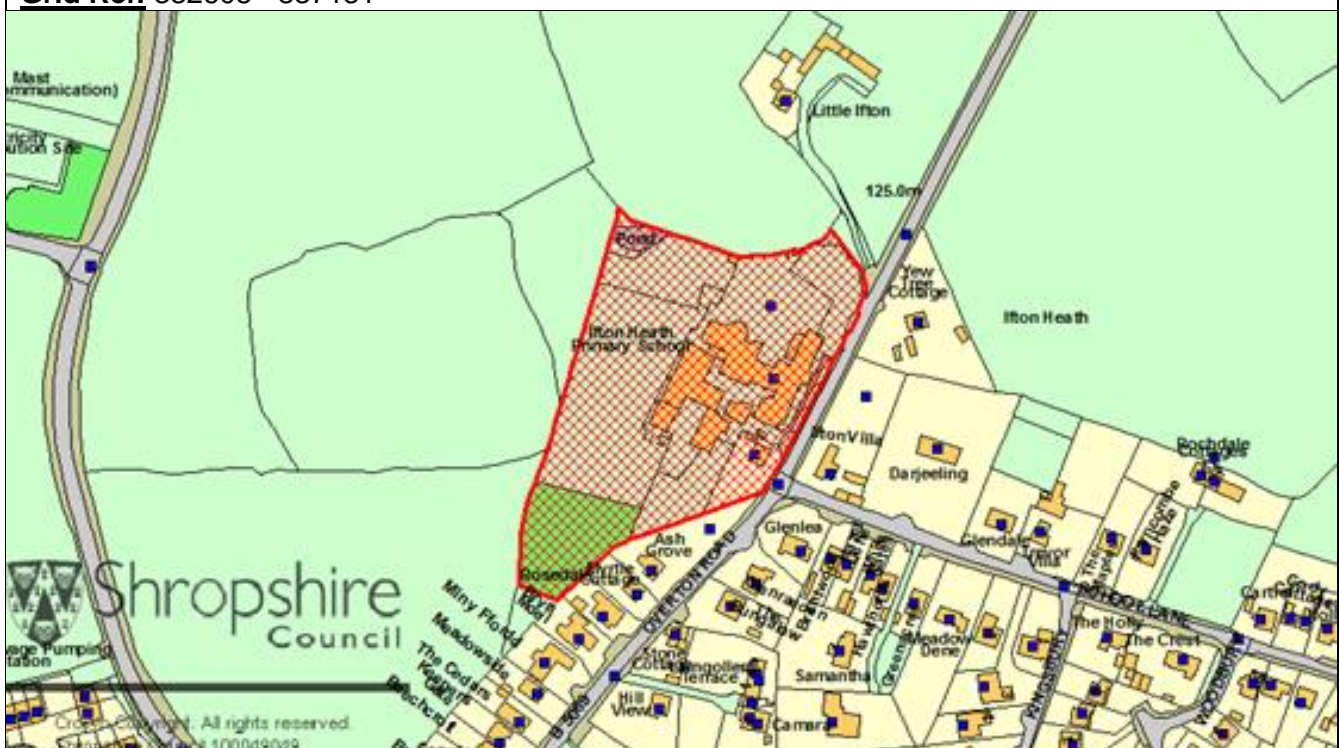
Public

Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619**Summary of Application**

<u>Application Number:</u> 20/02248/FUL	<u>Parish:</u>	St Martins
<u>Proposal:</u> Erection of 35 dwelling units and associated operational development following demolition of existing school buildings and retention of the former schoolhouse as a single dwelling (amended description)		
<u>Site Address:</u> School House Overton Road Ifton Heath St Martins SY11 3DH		
<u>Applicant:</u> Cornovii Developments Ltd		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 332608 - 337131

Recommendation: Refuse

Recommended reason for refusal:

1 The application is for residential development of a site that is situated outside of the development boundary for St Martins and the proposal is contrary to the adopted development plan and conflicts policies relevant to the location of housing (CS1, CS4, and CS5 and SAMDev policies S14.2(v), MD1, and MD7a). The presumption in favour of sustainable development outlined in paragraph 11 and 12 of the NPPF is not engaged as Shropshire Council has in excess of a 5-year housing land supply. Little weight can be given to the emerging development plan as the local plan review has not yet reached a sufficiently advanced stage.

2 Although the proposal includes some material benefits above those that would in any case be required for development of this part brownfield site (including 12 additional affordable homes) it is not considered that the application provides sufficient overriding benefits that would justify a departure from the adopted Development Plan. Furthermore, the proposal includes the demolition of the former Ifton School, a non-designated heritage asset, and the benefits delivered by the scheme are not considered to outweigh its loss as required by SAMDev policy MD13 and the tests as set out in the NPPF. (par 197). Consequently it is not possible to complete part 2 of the European Protected Species Test Matrix and conclude that there is no satisfactory alternative arising from the development

3 Whilst the scale, design and layout of the development is acceptable the applicant's noise assessment recommends that a 1.8m acoustic fence be provided along the front boundary to mitigate against noise and no details have been provided and it is considered that this would be visually prominent and would have an adverse impact on the character and appearance of the locality contrary to Local Plan policies CS6, CS17, and MD2

REPORT**1.0 THE PROPOSAL**

1.1 This full application relates to the erection of 35 dwellings following demolition of existing school buildings and the retention of the dwelling known as 'School House' as a single dwelling together with 13 affordable dwellings.

1.2 The applicant is Cornovii Developments Limited which is a private company wholly owned by Shropshire Council.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is the former Ifton Heath Primary School that closed in 2012 when the primary school moved to the Rhyn Park Secondary School to provide an all-through school known as St Martins Academy. The site includes the former school building to the front of the site which is an early 20th century, red brick building under a slate roof and traditional in character, with more modern extensions and buildings to the rear, a hard surfaced area providing a former playground and car

park to the side and a playing field bound by trees and hedgerows to the rear.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to land owned by the Council for a proposal that is not in-line with statutory functions.

4.0 Representations

4.1 Consultee Comments

Most recent comments are included in the officer report in addition to earlier comments where relevant. All comments are available to view in full on the online planning register.

4.1.1 Shropshire Council Housing Enabling team: Support

29 Jan 2021:

The application site falls within an area where the prevailing target rate for affordable housing is 10%, therefore for a development comprising 35 dwellings; there would be a policy requirement for 3.5 affordable dwellings (the 0.5 being provided as a financial contribution). The current proposal seeks to exceed policy requirements by 7.5 affordable dwellings.

You have requested advice on whether Vacant Building Credit could be applied in this instance. I can confirm that vacant building credit is relevant in this instance and have applied our accepted formula against the proposed scheme. As a consequence of the VBC, there is a reduced requirement for 1.33 affordable dwellings i.e. one affordable dwelling to ensure policy compliance, with the remaining fraction as a financial contribution.

It is particularly pleasing to note that this scheme will over deliver in terms of affordable dwellings, by 10 affordable dwellings on the basis of the credit being applied together the originally proposed additional affordable dwellings. Not only are the additional numbers of affordable dwellings important but the site and type of properties being provided, which includes bungalows, as evidenced as being needed by the local community. It is encouraging to see a mix of affordable homes being provided. The scheme is fully supported by Housing Enabling and Development Team.

OFFICER NOTE: The policy exceedance offered by the application is now 12 affordable dwellings as the applicant has increased the offer overall to 13 affordable dwellings

8 July 2020

There is a need for affordable homes in St Martins. As this development is proposed to meet local needs a local lettings plan will be required and only the local need will be used as evidence of need. There are currently 26 families with a local connection needing a home in St Martins this is made up of 7 x 1 beds, 12 x 2

beds and 7 x 3 beds.

4.1.2 **Shropshire Council Historic Environment team: Object**

06 January 2021: The submitted HIA does not include any description of the existing non-designated heritage assets interiors or their roof construction etc. There are no existing floor plans which can be used to understand the buildings format, where it may have been adapted over time, from what it may have been in its primary form; this is required to enable assessment of significance. The subsequently submitted Inspection Appraisal document by Ian Shaw Associates, dated August 2020, does go some way to addressing this but this document does not make any assessment of significance. We do not agree that an assessment which does not consider the interior of the building is sufficient to be able to come to any conclusions regarding its' significance. In his email of 15.12.20 the agent refers to paragraph 179 of the NPPF (but assume means 189 of the NPPF) and quote "... the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance..." As the application is for the demolition of the HA the impact is obvious, until an assessment of the internal fabric is undertaken and its significance articulated within a submitted HIA the significance cannot be taken as having been understood to inform the action of demolition. This in lack of information and impede understanding and therefore in turn impact on the consideration made in paragraph 197 of the NPPF. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that affect (directly or indirectly) non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. As this application is for the total demolition of the non designated heritage asset we would put that harm as being less than substantial, due to the fact that the building is not a designated heritage asset or in a designated area.

MD13 states that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring proposals avoid harm or loss to significance of designated and non-designated heritage assets and ensuring that proposals affecting the significance of these assets are accompanied by a Heritage Assessment. It goes on to state that proposals which are likely to have an adverse effect on the significance of non-designated heritage assets, including their setting, will only be permitted where it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse impact caused.

MD7a states that new market housing will be strictly controlled outside of the main Market Towns, etc, however, conversions to open market dwellings will only be acceptable where the building is of a design and form which is of merit for its heritage value etc. ie Heritage Asset. CS5 also concurs with this policy. The main school building is considered a non-designated heritage asset and therefore complies with these policies for conversion.

MD7b states that proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with Policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need

for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development. The policy also states the replacement of dwellings and other buildings can significantly impact on the character of the countryside and there is a need to ensure the appropriate scale, design and location of them. In order to promote a sustainable approach to development, development which appropriately conserves the existing historic and landscape resource are encouraged and this will include the appropriate re-use of existing suitable buildings and previously developed land.

Some calculations regarding costings has been put forward regarding conversion versus demolition and rebuild. Advice regarding these has been sought from our own Senior Conservation Officer & Technical Specialist and the following comments have been received, which are self explanatory:

“Based upon the information included within the Surveyors report, it’s difficult to make a clear and informed assessment of the current condition of the building and its potential for conversion. As such, until its condition is further understood all stated design recommendations should be considered generically detailed, especially as they fail to consider the basal requirements of BS 7913 - Guide to the Conservation of Historic Buildings.

As such, I recommend that the applicants cost consultant be asked to further clarify the basis of their costs and confirm if the stated meterage rates have been recorded as high, average or low within their respective ranges.”

The retention of the historic asset would conserve the embodied energy which has already been used in their construction and this should be a consideration when carry out the planning balance and include into this the carbon which would be used in both the demolition works and the production of the building materials and actual construction of new properties in their place.

With regard to the design of the proposed dwellings, they have been revised from those originally submitted and are an improvement, but we consider them to be still lacking in certain areas. For example, but not extensively - no chimneys, no heads or sills, heirarchy of window sizes between first and ground floor etc. We would also note that there are certain house types which have blank and therefore bland gables/elevations facing public areas, where some interest should and could be added. Examples of this are house type 2BA on Plot 32 (where surveillance over the pond open area is very important), frontage plots and house type 4DA on Plots 24, 25 and 35.

We consider that the heights of the proposed dwellings could be reduced with first floor windows being topped by the brick eaves course indicated. This also relates to the single storey dwellings.

It is hard to understand completely which house type (especially the 3 bed dwellings) is on which plot (this should be clearly indicated on the site plan.

We would also consider that pavements are not needed on both sides of the road all of the way through the development, and that the creation of “home zone” areas are likely to be beneficial throughout the development.

RECOMMENDATION:

We still maintain our concern regarding the total loss of the identified building and this will need to be considered in the planning balance under para 197 of the NPPF where the significance is still not properly articulated as part of a submitted HIA. We also consider that the proposal still falls short of the requirements of CS6, CS17 and MD2 in that it does not protect, restore, conserve and enhance the natural, built and historic environment ... nor does it appear to take into account the local character and context in terms of design and detailing, scale and proportion etc. CS5, MD7a and MD13 are generally supportive of the sympathetic conversion of HA's (see above) whereas MD7b is resistive of the replacement of buildings which contribute to the local distinctiveness, historic environment and character. The design of the proposed dwellings should be improved to ensure a better fit with the local character of the area.

4.1.3 Shropshire Council Ecology: No objection in principle

25 February 2021: I have read the submitted Ecological Assessment (Star Ecology, May 2020) and recently submitted/updated Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation Strategy (Middlemarch, Environmental Ltd, February 2021). I am happy with the level of survey work and have updated and included previous SC Ecology conditions and informative recommendations to be included on the decision notice.

I have also reviewed the Soft Landscape and Biodiversity Enhancement Plan (AHR Architects Ltd, IFT-AHR-ZZ-ZZ-DR-L-90-108. The design and information provided in the plan is satisfactory and therefore the plan on ecology grounds should be conditioned. The locations of the species-specific features however (e.g bat and bird boxes) have not been specified and should be subject to further conditions.

The following bat roosts are present in the buildings at the site:

- Building B1 – day roost for low numbers of common pipistrelle bats;*
- Building B2 – infrequently used day roost for low numbers of lesser horseshoe bat, day roost for low number of common pipistrelle bats; and,*
- Building B3 - infrequently used day roosts for low numbers of lesser horseshoe and brown long-eared bats.*

Proposed redevelopment of the site will result in the loss of roosts within buildings B1, B2 and B3. Mitigation proposals are provided in Section 7 which demonstrate that no individual bats will be killed or injured. In addition, the bat roosts to be lost as a result of the demolition of the former school buildings will be mitigated for on-site ensuring that the favourable conservation status for the bat species present is maintained.

Works to Buildings B1, B2, B3 will have to take place under a European Protected Species Licence from Natural England. Section 7 of the report sets out the mitigation and compensation measures which will form part of the licence application.

I have provided a European Protected Species 3 tests matrix at the end of this response. The planning officer needs to complete sections 1 and 2, 'over riding

public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

18 January 2021

The drawings are missing from section 7 of the Dusk Emergence And Dawn Re-Entry Bat Surveys (Middlemarch Ecology, July 2020).

Buildings B1, B2 and B3 contain bat roosts. In order for me to complete the 3 tests, details of the proposed bat mitigation are required. This doesn't need to be as detailed as what is required for the EPSL application but there needs to be sufficient details to ensure that the favourable conservation status (FCS) of the bats can be maintained.

22 June 2020

The PRELIMINARY BAT ROOST ASSESSMENT (Middlemarch Environmental, May 2020) states that 'Three buildings on site (B1, B2 and B3) were concluded to have high bat roost potential. One building (B4) was concluded to have moderate potential and two buildings (B5 and B6) were considered to have low bat roost potential. As the proposals for the site involve the demolition of all the existing buildings, impacts to any bats present within these buildings would be significant including the potential destruction of roost sites and direct harm to individual bats. Therefore further survey effort is required in the form of emergence and return to roost surveys to confirm whether bats are roosting in the buildings.' Please re-consult Ecology when these have been submitted.

4.1.4 Shropshire Council Economic Growth: No objection in principle

22 June 2020

Economic Growth Service supports the proposal which meets the objectives of the Economic Growth Strategy to retain and attract families and young professionals by the provision of starter homes and affordable housing.

The design is built on sustainable principles and meets the Lifetime Homes standard with a flexible approach and potential to meet a variety of future need.

Scheme has a strong and simple design and it is suggested that additional detailing is provided around windows and doors and those gable ends facing onto footways, to provide variety and interest.

4.1.5 Shropshire Council Learning and Skills: No objection in principle

17 June 2020

Shropshire Council Learning and Skills reports that the local school, St Martins all through school, is forecast to be full by the end of the current plan period. This development along with future housing in the area is highly likely to create a requirement for additional school places. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places or facilities considered necessary to

meet pupil requirements in the area. In the case of this development it is recommended that any contributions required towards education provision are secured via CIL funding.

4.1.6 Shropshire Council Parks and Recreation: No objection in principle

15 December 2020:

The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

Based on the current design guidance the development will deliver 111 bedrooms and therefore should provide a minimum 3330m² of usable public open space as part of the site design. The site design allows for public amenity space however, it is not clear how much POS is being provided on site.

We would like to see one central area of open space, within the residential area of the development, for functional public enjoyment, rather than open space used to buffer houses along the edge of the development or using land that isn't suitable for its intended use.

All POS provided must be 'useable' space and therefore should not include LPG stations, swales, water basins or attenuation pools.

The types of open space provided need to be relevant to the development and its locality and should take guidance from the Place Plans. The ongoing needs for access to manage open space must be provided for and arrangements must be in place to ensure that the open space will be maintained in perpetuity whether by the occupiers, a private company, a community organisation, the local town or parish council, or by Shropshire Council.

4.1.7 Shropshire Council Regulatory Services: Object

7 July 2020

Regulatory services have reviewed the noise report and Ground investigation report provided and have the following comments:

Noise

The noise assessment concludes that the noise levels from the industrial site to the north west of the site and the road traffic noise from Overton Road are likely to have a significant adverse impact on the proposed development. The noise report has suggested acceptable internal noise levels could only be achieved by implementing an insulation scheme which would only be effective when windows are kept shut.

The National Planning Policy Framework (NPPF) 180 indicates that planning decisions should ensure developments avoid noise giving rise to significant adverse impacts on health and the quality of life. The Professional Practice Guidance on Planning and Noise (ProPG) indicates that most residents value the ability to open windows at will, for a variety of reasons, and hence relying on a

scheme that depends on windows being kept shut will have a detrimental impact on the quality of life of the occupants. Where internal noise levels are assessed with windows closed the justification for this should be included in the Acoustic Design Statement (ADS).

NPPF also states in paragraph 182 'existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'.

Hence, good acoustic design principles should be used to ensure optimum acoustic standards are achieved without adversely affecting the quality of life of the occupants, or the operation of neighbouring businesses. ProPG provides advice on good acoustic design, in particular it recommends:

'2.22 Using fixed unopenable glazing for sound insulation purposes is generally unsatisfactory and should be avoided; occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open. Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be justified in supporting documents.

2.23 Planning applications for new residential development should include evidence that the following aspects of good acoustic design have been properly considered

- ' Check the feasibility of relocating, or reducing noise levels from relevant sources.*
- ' Consider options for planning the site or building layout.*
- ' Consider the orientation of proposed building(s).*
- ' Select construction types and methods for meeting building performance requirements.*
- ' Examine the effects of noise control measures on ventilation, fire regulation, health and safety, cost, CDM (construction, design and management) etc.*
- ' Assess the viability of alternative solutions.*
- ' Assess external amenity area noise'.*

In summary the noise mitigation scheme currently proposed does not adequately protect the quality of life of the future occupants or the operation of neighbouring businesses and hence I recommend that this application is not decided until an acceptable scheme of mitigation, which takes into account the principles of good acoustic design detailed in ProPG and highlighted above, has been agreed.

Contaminated Land

A report by Soiltechnics; Ground Investigation Report, Proposed Residential Development, Ifton Heath, Shrewsbury; Report: STR4868M-G01, December 2019 has been submitted in support of this planning application.

Regulatory Services has not identified the proposed development site as potentially contaminated land but has carried out a review of the Soiltechnics report.

The Soiltechnics site investigation has not identified any contaminants of concerns that would preclude the proposed residential development and as such no specific remedial measures are proposed. Accordingly, Regulatory Services has no further comments or recommendations in respect of contaminated land issues.

Regulatory Services notes that an Asbestos survey has been carried out by Shield On-Site Services of the existing on-site buildings and updated the Asbestos Register for the site. Asbestos has been confirmed within the buildings and while Soiltechnics did not identify any potential risks from asbestos in soils, they do identify that demolition of the buildings could potentially introduce asbestos containing materials and debris into shallow soils.

Therefore, Regulatory Services recommends the following as an informative only: The applicant has submitted a survey which has identified the presence of asbestos containing materials. The applicant must act on the recommendations of the survey and remove and dispose of asbestos containing material in accordance with the Control of Asbestos Regulations 2012. If asbestos is not managed in a suitable manner, then the site may require a detailed site investigation and could become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.

4.1.8 Shropshire Council Trees: No objection in principle

25 February 2021: *There are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.*

The AIA has identified 29 individual trees and 17 groups of trees which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The proposed development would require the removal of 10 individual trees, 7 low value, 2 moderate value and one in poor condition, along with 9 groups of trees all low value and part removal of 4 groups of trees of moderate value.

Having reviewed the plans and visited the site, it is agreed that the trees for removal are not significant in the amenity of the area and their loss can be mitigated through new planting.

There is the proposal for works within the RPA of a number of retained trees, mainly to upgrade existing hard surfaces. I would concur with the AIA in that this work is unlikely to be detrimental to the trees but will require additional care and a specialised method statement to deal with this aspect is required. No dig foot paths

have been advised where these are within the RPAs of retained trees and this will require a specification and method statement to ensure that they are constructed in a manner that will not damage the retained trees.

A landscaping plan has been provided for the site, with new tree planting proposed that will mitigate tree losses. As a number of the trees are to be planted in constrained sites it will be necessary to ensure that adequate soil resources are provided to allow the trees to establish and develop to maturity. The Landscaping Scheme must be amended to show that adequate soil resources are provisioned, and this may require the use of specialised planting systems such as structural soil cells.

No objection is raised in principle to the development providing the above issues are addressed and the tree protection condition.

4.1.9 Shropshire Council Waste Management: No objection in principle

3 July 2020

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <https://new.shropshire.gov.uk/media/7126/shropshire-refuse-and-recycling-planning-guidance-july-2017-002.pdf>

We would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that the vehicle can access and turn on the estate. Details of the vehicle size and turning circles are in the document linked above.

Particular concern is given to any plots which are on private drives that the vehicles would not access. Bin collection points would need to be identified and residents advised when they move in/purchase.

Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

4.1.10 Shropshire Council Drainage: No objection in principle

10 Feb 2021: *A revised drainage details, plan and calculations should be submitted for approval based on the Revised Site Plan.*

Discharging of private surface water from the Development Site into the highway drain is subject to obtaining Consent from the Highway Authority.

Recommends a pre-commencement drainage condition.

4.1.11 Shropshire Council Highways: No objection in principle

3 February 2021

The site seeks the redevelopment for the former Ifton Heath Primary School, which was closed in 2012 and the Primary School provision was subsequently located at the Rhyn Park School. The school buildings however remain on site.

In considering the impact of the proposed development on the highway network, the application is supported by a Transport Statement (TS), which concludes that the proposal is acceptable and there are no grounds from a highway/transportation perspective why permission should not be granted. I consider that the TS is robust and I would agree with the conclusions set out in the TS. Moreover, whilst the traffic patterns of a residential development differ from those associated with a school site, it is considered that overall there is potential highway gain when set against the issues that surround the peak picking up and dropping off of infant children during the school term periods.

The application seeks to promote residential development of 35 dwellings served via an estate road layout, with the intention that the internal roads and footways would be built to an adoptable standard. The proposed internal road layout is of a typical design with footways on both sides of the road and parking provision of 2 spaces per property. There are not considered to be any fundamental issues regarding the suitability of the internal road layout. The proposed site access affords visibility splays in excess of 2.4 x 43 metres which accord with a 30 mph speed limit and the criteria set out in Manual for Streets. The national speed limit of 60 mph comes into effect to the northeast of the access point. Again there are not considered to be any fundamental issues with the access to the site, though there is potential to implement additional measures to support the reduction of traffic approach speeds travelling towards the site from the north-eastern direction.

Following the above, the application is supported by a draft 'Traffic Calming Measures' scheme as shown on Drawing SK01 Rev P0. Whilst being supportive of measures to assist in the reduction of approach traffic speeds travelling toward the development site, the scheme shows the provision of a 'Give Way' priority build out. This feature is not considered appropriate and should be removed from the scheme. Changes to include the introduction of a 40 mph buffer, traffic signing and road markings would be more appropriate, along with the provision of a vehicle activated sign (VAS). It is recommended that this matter be dealt with by imposing a negatively worded planning condition in order to develop a scheme.

In conclusion therefore there is no highway objection to the granting of consent subject to the recommended conditions being imposed.

4.1.12 Shropshire Council Leisure Services: Object

25 February 2021: *The application site, nor St Martins School playing field were picked up in the Playing Pitch and Outdoor Sports Strategy (PPOSS) which is unfortunate. If the use of the school playing fields were secured for community use, this could potentially provide some additional capacity for community sport, though*

I'm not persuaded that this alone would justify the application site as being surplus.

Looking at the consented scheme for additional playing field next to St Martins School which the applicant is saying mitigates for the loss of the playing fields at Ifton Heath. I would make the following points:

- *The playing field area that is proposed is a much larger area compared to the playing field loss at the former Ifton Primary School. The plan with the planning application does not show how many pitches could be accommodated, though it's clear that this would be capable of providing several pitches. Being located within the same village I agree that this would be a suitable location for replacement playing field provision.*
- *The terms of the planning consent 19/01268/FUL includes a planning condition which states that "The hereby approved change of use of land from agricultural land to recreational land in no way confirms the siting of any sports pitches, play equipment, sports facilities or similar. A further full planning permission is required to determine the siting, design, and construction of any such provision or facility prior to its installation".*
- *Having reviewed the officers report, there is no reference to this being put forward as mitigation for the loss of playing field at former Ifton School site, nor is there any reference to this in the SAMDev policy allocation. It could be argued that this is additional provision to meet the needs of the consented new housing?*
- *I'm not clear on the s106 provisions being referred to by the applicant in relation to planning approval 19/03995/FUL? I can't find the reference relating to provision of the car parking area and sports pitches to be delivered before 40th dwelling so this needs to be clarified.*
- *My reading of the s106 agreement is that the developer is only obligated to provide a 999 year lease to the Parish Council for the "Recreational and Educational land" and that the terms of the lease shall put responsibility upon the Parish Council to lay out, equip and make available for use the land in question. There does not seem to be any provision in either the planning permission or the s106 agreement for securing community use of the new playing field by way of a community use agreement, nor is there any detail on the specification of the playing fields.*

If this site is seen as the replacement provision to meet Exception E4 of Sport England's Playing Fields Policy and Para 97b) of the NPPF as is being suggested by the applicant. If this is the case then we need to consider the following;

- 1) *A planning application is needed to secure details of the layout of the playing field so the provision of new sports pitches can be implemented. This should include an agronomy assessment by a sports turf specialist to include details of pitch specification works (to include soils, levels, drainage, cultivation, pitch establishment etc), a detailed maintenance regime (that the school/Parish Council are capable of delivering thereafter) and a community use agreement to secure the use of the playing field for local users. In my view, this planning consent needs to be secured before the loss of playing field at former Ifton Heath site. In the absence of this, how can we be sure that the replacement facility will be delivered to be fit for purpose and made available before the loss takes place?*
- 2) *The s106 agreement is clear that the only obligation on the developer is to*

provide a lease for the land, not to meet the cost of laying out the pitches etc. How will the costs of this be met? In my view, if this is to be seen as the mitigation for the loss, the developer of the Ifton Heath site should be required to make an appropriate financial contribution to the “pot” to help deliver these sports pitches. I’ve suggested in the past that taking into account the relative small size of playing field to be lost (equitable to a mini pitch), that a sum of £30,000 would be appropriate. If this sum could be secured, I think I could conclude that Exception E4 would be met by the proposed new playing fields at the existing school.

3) *A sum of money (£30,000) is provided to the Shropshire Council to be used on projects with the Oswestry Place Plan Area and as per the projects and recommendations set out in the Playing Pitch and Outdoor Sports Strategy and Action Plan.*

The fundamental issue remains that no facilities have been provided in the St Martins area since the primary school closed. Whilst it’s good that land has been set a side for new facility nothing has been built and without a significant sum of money the scheme is unlikely to be delivered. The offsite contribution that we are seeking could be put towards the St Martins project or other projects as outlined in the PPOSS action plan.

15 Feb 2021: *This application is for the Erection of 35 dwelling units and associated operational development.*

As a result it will lead to the loss of playing fields. I'm not aware that new facilities or improvements to existing facilities have happened since the primary school was closed. If the applicant disagrees with this I would expect them to provide evidence of this not just a statement. A planning application was granted (19/01268/FUL) however looking at the plans and google maps it doesn't look like any new facilities have been developed. This was for new and improved facilities next to St Martins School. Looking on the school website it mentions an exciting proposal to extend and improve sports facilities for St Martins and the surrounding area. This is being driven by The Parish Council working with the School and the Community under the banner of St Martins recreation partnership. Any funds allocated from the proposed development at the former primary school should be done in line with the Playing Pitch and Outdoor Sports Strategy and Action Plan.

The submitted information doesn't fully address the requirements of NPPF paragraph 97. There is no mention of which policy exception they believe this falls in to when looking at Sport England's playing Fields Policy. In the applicants supporting information it states that adequate sports provision was provided on the site of the new St Martins all-through school. This doesn't compensate for the potential loss of the playing field at the former Primary School.

One of the recommendations in the PPOSS for the North West Analysis area (Ellesmere and Oswestry) states the need to Create additional capacity for youth football pitches in order to accommodate future demand such as securing access to educational site and improving poor quality provision. The pitch at the former primary school could be used to address future demand.

If the pitch is lost then we would be seeking an offsite contribution to mitigate for this. The costs below are taken from Sport England's cost guidance document. Football natural turf pitches (costs as per Sport England cost guidance).

*Area m² Cost**U8/U7 mini pitch (43 x 33 m) 1,419 £25,000**U16/U15 youth pitch (97 x 61 m) 5,917 £80,000**Senior pitch (106 x 70 m) 7,420 £100,000***4.1.13 Shropshire Council Planning Policy: Object**

26 February 2021: The Revised Planning Statement provided by the applicant (4th Dec 2020) provides information in support of the proposal on a number of relevant planning issues. This comment focusses solely on the Planning Policy considerations of the site, and in particular an assessment of conformity with the current and emerging Local Plan.

The current Development Plan consists of:

- The Core Strategy, adopted 2020; and;*
- The Site Allocations and management of Development (SAMDev) Plan; adopted 2015*

In combination these documents provide an up-to-date development plan for the area. The Council currently has a housing land supply in excess of five years, and therefore it is considered the housing supply policies of the current development plan can be afforded full weight. The Council are at an advanced stage of the preparation of the review of the Local Plan, and have recently completed the Regulation 19 consultation, with a view to submitting the Plan for Examination in July 2021.

Paragraph 10.1 of the applicant's Planning Statement argues the proposal is "fully Development Plan compliant". It is strongly considered this is not the case. The settlement of St Martins is identified as a Community Hub in the Policy S14.2(v) of the adopted SAMDev Plan, which includes a housing requirement of around 200 dwellings over the plan period. In delivering this requirement, the Plan identifies a specific allocation (STM029) for 80 dwellings. The latest monitoring data indicates the settlement is delivering very well against its planned requirement, and therefore it is considered SAMDev Policy MD3 (3) is not engaged.

Contrary to the statement made within the applicant's Planning Statement (Dec 2020), the application site sits adjacent to but outside the currently defined development boundary. The site is therefore considered to be in a countryside location for the purposes of decision making and policies CS5 and MD7a of the Development Plan are engaged. Policy MD7a states that new market housing will be strictly controlled outside Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.

It is therefore considered that, when assessed against the current adopted and up-to-date development plan, the principle of market led housing development on this site is not established.

The site is included as a proposed housing allocations for around 35 dwellings in the ongoing Local Plan review. The inclusion of the site in the Plan review has been subject to two significant consultations at the Regulation 18 stage of plan

preparation in November 2018 and July 2020. Neither of these consultations have led to significant objections being made to the site's inclusion as an allocated site. At the most recent consultation Welsh Water specifically provided comments on the site indicating that the public sewerage network was capable foul flows from the site. The Council still needs to assess the outcomes of the Regulation 19 consultation, although it is understood the Parish Council have indicated continued support for the inclusion of this site within the Local Plan. Based upon the current evidence, it is likely the site will continue to be included in the Plan review at the submission stage, now planned for July.

Notwithstanding the above, it remains the view that the weight that can be attached to the emerging Local Plan Review as things stand is very limited. The Plan needs to be subject to agreement to submit and then subject to an examination in public. It is the examination process, with the external scrutiny, which affords the Plan increased weight, with this process due to be undertaken during 2021 and early 2022.

It is important to remember that the emerging Local Plan is not solely a vehicle for allocating housing sites, and also includes a full suite of draft strategic and development management policies. These cover a range of relevant issues from residential mix, to achieving high quality design, providing green infrastructure, biodiversity net gain, and on-site renewable energy provision. Applying the general principle of 'a Plan should be read as a whole', it is considered applicants approaching the Council with applications on emerging housing allocations, should be seeking to demonstrate compliance with wider draft development management policies of the emerging Plan, and not only their draft allocation.

Whilst it is considered the principle of development is not established in the current Local Plan and that very limited weight only can be attached to the emerging Local Plan, there are clearly material considerations in this instance which should be taken into account in the decision making. For instance it is noted the site is seeking to deliver well above 'policy compliant' levels of affordable housing in an areas where there is defined need. It is also considered that part of the site is brownfield land, where an early opportunity for redevelopment is welcomed.

In applying very limited weight to the emerging Local Plan policy S14.2 (i), it is noted this includes as a requirement of the scheme an assessment of whether the playing field on the site is surplus to requirements. It is also considered necessary for the applicant to show they have sought opportunities for the retention and conversion of the historic school building on the site, and that appropriate boundary treatments are included within the design and layout to mitigate noise from the road to the east. A sustainable drainage strategy should also support this application.

4.1.14 West Mercia Constabulary: No objection in principle

7 July 2020

Provides comment on the proposal as Design Out Crime Officer for West Mercia Police. Does not wish to formally object to the proposal at this time. However, there are opportunities to design out crime, reduce the fear of crime and to promote

community safety.

Advises that should the proposal gain planning approval the advice provided including 'Secured by Design' should be considered by the developer.

4.2 Public Comments

4.2.1 St Martins Parish Council:

9th January 2021 Representation

Although Parish Councillors supported the amended plans which included changes they had requested which included reducing the number of units to 35, change of design and type of the units facing Overton Road and the retention of the School House, a number of issues were raised which they wish to bring to the planning officer's attention for further consideration before you complete your report which we hope will go to the Local Area Planning Committee.

- There are no plans or mitigation measures in the form of acoustic barriers planned to reduce the background noise levels north of the site from Ridgway Rentals Plant Hire. Do you have a report on the noise impact assessment and a Health & Safety report?

- Concern from a highways point of view on access to the site, traffic calming and signage. At one stage it was suggested that refuge areas were put in and the 30mph area extended. There is also only a very narrow footpath on the opposite side of the road to this entrance. In addition, has a pollution test been carried out in this area?

- We can see no firm reasons or justification given on why the school building cannot be retained. This is highlighted in the latest (6th January 2021) report from Shropshire Council Historic Environment Development Services. Have you visited the site and had access to the school building?

- As a result of the bat survey what are your conclusions please?

6 July 2020 Object

In many ways as this site is owned by Shropshire Council the parish council feel that any comments we make will make no difference in the decision-making process.

However as duly elected members to represent the parish we feel that we must take into consideration the views and feelings of many residents in the parish who are strongly against this application on the following grounds;

- Although the school building is in a poor state of repair any bricks or stonework that can be saved should be used elsewhere on this development, especially on the entrance from Overton Road.

- The School House has had a lot of money spent on this recently and therefore should NOT be demolished.

- The properties facing Overton Road should NOT consist of any terraced units.

- The proposed plans are an over development of the site and should therefore be restricted to no more than 30 units.

- Checks should be taken on the capacity of the existing water and sewerage system in this area as we believe is now at full capacity.

- *The views of Highways should be sought as this will generate extra traffic onto an already busy road.*
- *We were under the impression that the site was "earmarked" by Shropshire Council as a zero-carbon development. Cornovii Developments addressed this issue in an email on 20/05 but, as far as we can see, offered no guarantee. We would like to know if Shropshire Council have given up on the idea and are back to business as usual despite declaring a state of emergency regarding climate change.*

Therefore, at this stage the Parish Council strongly object to this application until such times that revised plans are presented taking into consideration the concerns above.

4.2.2 **Shropshire Playing Fields Association: Object**

10 December 2020:

We note the revised planning statement from the developers says:

“Policy MD2 required adequate open space in new developments and is set at a minimum standard of 30sqm per person (equivalent to 3ha per 1000 population). For development of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation.

This requirement is put in place to ensure that people in all areas of Shropshire have access to multifunctional open space. The required public open space is provided on site and can be seen in the proposed site plans”.

Yet when we look at the proposed plans a functional play area does not seem to have been included.

Additionally our previous comments related to the loss of outdoor sport pitches has not been mitigated so we suggested a figure to compensate for this loss should be paid by the developer to the local parish council, that they might be able to enhance existing facilities for new and existing residents to benefit.

Other than that please take our original comments as still valid.

7 July 2020

Objects to the loss of open public spaces including hard court playgrounds and sports courts as well as sport pitches and natural open spaces home to wildlife all of which enhance the well being of the local community.

We note there is no robust open space needs assessment available, playing pitch strategy available, play strategy available, cultural outdoor strategy available on which decision makers could reasonably determine if this site is needed for other uses than residential development.

We note the developer talks about play areas and outdoor space being provided but this is not detailed on the application site plan.

Policy MD2 required adequate open space in new developments and is set at a

minimum standard of 30sqm per person (equivalent to 3ha per 1000 population). For development of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation.

This requirement is put in place to ensure that people in all areas of Shropshire have access to multifunctional open space.

Given the proposed loss of play and open space facilities on land owned by Shropshire Council we do not see any attempt to provide existing residents or new residents any alternate sites or opportunities to offset this loss as required in national planning policy guidelines.

At the very least an opportunity should exist to improve off road pedestrian and cycling opportunities throughout the village to enhance safety whilst at the same time encouraging physical activity.

We believe a school building that has for so long been at the heart of this vibrant community should be retained, protected and enhanced so that once again it can enrich the lives of future generations whether they be existing or new residents to the area.

4.2.3 **9 letters of objection summarised as follows:**

Conflict of interest with Shropshire Council deciding the fate of its own application.

Particular displeasure with the way in which the applicants appear to have cynically manipulated the local population. Initial plans shown on their website, appeared us indicating retention of the existing buildings which form a major character and history of our locality. We were also reassured on several occasions by our local councillor Steve Davenport that these buildings would be retained. However at the last minute their true intentions are submitted in this form.

This application continues to be riddled with misleading information, with no consideration for community wishes. The non designated heritage asset response fails to take reasonable account of the emotional attachment the village has for the school building, relying totally on the physical appearance. Although the building is described as commonplace, there are no examples provided of other similar buildings in the locality.

MD13 + MD7b, require more than being the cheapest option as a reason to dispose of an historic building.

Cornovii's assertion that the 1915 building is only fit for demolition, due to noxious substances and the condition of the building, are clearly flawed and rebutted by the interior photographs, showing the building to be in good condition.

The order of costs estimate is again misleading. How can renovation of 6 units be compared with the economy of scale with 34 units, particularly when the demolition costs of demolishing the newer "asbestos riddled" buildings is not included?

The site is described as redundant of use. The local housing plan proposes that

nearly 1000 houses are to be built in the catchment area (not including Chirk) for the nearly full St Martins school. 355 houses in the area for the primary. Where are the children these houses will attract going to go to school?

Ellesmere and Oswestry have similar building plans. The primary school was shoehorned onto the site and will soon be bordered by housing. Pre covid Ofsted figures show the primary school pupils have suffered badly in the school merger. What is SCC's plan for schooling, to demolish a fit for purpose school for a few houses, to then in a few years have to spend millions in tax payers money to try and extend the St Martins site, causing further disruption to pupils.

Ifton Heath was closed to save a failing St Martins school, not due to any building issues.

The main former school building that fronts Overton Road is an aesthetically pleasing building which dates from 1915. The building adds to the street scene being set back from the road behind the original railings. The building has interesting original sash windows along the frontage to the road.

From a sustainability and environmental viewpoint, it would be better to convert this building for housing rather than demolish it.

There are few older buildings in the village and the demolition of this historic building would be detrimental to the historical fabric of the village.

The idea that the school building is beyond repair is ridiculous, but is clearly the cheapest, more convenient option.

The recently renovated School House (at tax-payers expense) would provide social housing for a large family from the village, something these homes will not provide.

A freedom of information request shows that SCC have spent £144,673 on the renovations to the School House, since the school closure, knowing the house was to be given free to a private developer (Cornovii) to demolish. Presumably another similar amount will have to be spent elsewhere to house the current occupants. This is public money and SCC have a duty to deal with it appropriately. Common/financial sense would dictate that the School House is retained by SCC for its current use.

The School House has never looked better, recently having a great deal of money spent on it, out of the public purse, but is now discarded, despite being on the fringe of the development and thus could easily be retained. What a waste of public money and resource.

Has submitted an application to Historic England for listed status for the school building and School House.

Has also requested a tree preservation order for tree T23 on the plans (although this is decided by SCC).

It should also be put on file, these comments from a local chartered surveyor, who

knows the local market very well: *"I feel compelled to say that, in my opinion, demolishing the existing house is a mistake. Have the council had it valued? without making an inspection I would think the house represents a minimum of at least 6 plots and I simply don't see 6 plots being replaced by its demolition. Clearly if the house needed to be demolished to allow access to the whole site then it would be a necessary evil"*

The proposals from Cornovii Developments Ltd state the company is meeting unmet housing needs in the area, however St. Martins has had several residential sites built recently with hundreds of new homes built in the village. St. Martins does not have a shortage of private homes.

This site is outside the SAMDev plan, there is an over reliance on St. Martins as a community hub, in addition to infill, recent planning/developments have added 80+ houses at Rhos Y Llan, Holland Drive 75, Bower farm 55 and now Ifton for 40 with no investment in infrastructure.

Cornovii Developments Ltd also state they will be building affordable homes, however only 15 of the 40 new homes will be affordable.

Shropshire Council under the guise of Cornovii is building homes to sell privately instead of building homes owned by the council to meet the needs of families in Shropshire on the housing waiting list.

The Ifton Heath school site is an asset to the village, however the council is stripping this asset away to sell privately. Will the village see any re-investment of the profits?

Our village has borne a disproportionate amount of development compared to other parts of North Shropshire, and as others have pointed out, with little or no consideration for increased traffic, sewage capacity, and amenities for our ever growing population.

The amount of traffic through the village is increasing with every new build, however the access roads are not practical to serve such a busy village.

This is already a busy and dangerous road, adding another 80 or so vehicles could result in some serious accidents or injuries.

This along with no speed calming measures and increase in pedestrians travelling to school is a safety risk which is not being addressed properly.

5.0 THE MAIN ISSUES

Principle of development having regard to relevant planning policy
Layout, scale design character and appearance
Access/parking
Open space provision and loss of playing field
Trees and landscape
Ecology

Impact on residential amenity
Noise
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development having regard to relevant planning policy

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless other material considerations indicate otherwise.

6.1.2 The National Planning Policy Framework is a significant material consideration representing the Government's planning policy and should be taken into account where it is relevant to the planning application. Shropshire Council has in excess of a 5-year land supply for housing (6.42 years against local plan housing requirement -Five Year Supply Statement 2019) and consequently its housing policies within the local plan are up to date. Paragraph 12 of the NPPF states (emphasis applied):

*“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. **Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.**”*

6.1.3 The most relevant policies in determining whether this site is acceptable in principle for housing development are Core strategy policies CS1, CS4, and CS5 and SAMDev policies 14.2(v), MD1, and MD7a.

6.1.4 CS1 sets out the strategic approach for Shropshire and CS4 sets out that development will be allowed in Community Hubs and Community Clusters that

'helps rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement'.

6.1.5 SAMDev MD1 identifies St Martins as a community hub and SAMDev policy S14.2(v) states:

'St Martin's is a Community Hub which will provide for future housing growth of about 200 homes to support existing facilities and services and to help deliver additional community recreation provision. As there is already planning approval for 110 dwellings in the village, this level of growth will allow for around a further 90 new dwellings. In addition to the preferred site allocation for 80 dwellings, there are opportunities for sustainable development by infilling, small groups of houses and conversions on suitable sites windfall sites within the development boundary.'

6.1.6 Planning permission has previously been approved for development of the

allocated site for 80 dwellings and the housing guideline for St Martins has already been exceeded. The site is not within the development boundary for St Martins and in terms of planning policy is situated in countryside

- 6.1.7 Both Core Strategy policy CS5 and SAMDev policy MD7a strictly control development in the countryside such that only limited types of development, such as conversion of buildings of architectural or heritage merit or accommodation for essential countryside workers and other affordable housing, is permitted.
- 6.1.8 The proposal is not for development that would be permitted in the countryside under policy CS5 and MD7a and therefore development of this site for open market housing would be contrary to the local plan policies identified as most relevant to the determination of this application and should not be supported unless there are material considerations that indicate otherwise.
- 6.1.9 **Material Considerations**
- 6.1.10 Considerations material to the determination of a planning application are considered further below. The weight to be attached to a material consideration is a matter for the decision taker. The material considerations relevant to this case start with the adopted development plan policy which is set out in paragraphs 6.1.3 to 6.1.8 above.
- 6.1.11 The local plan is at an advanced stage of review and the application site has been identified as a potential allocated housing site as part of this review. The applicant considers that weight should also be given to the emerging local plan and that this is an additional material consideration that together with the benefits set out in para 6.21 below should tilt the balance in favour of the development contrary to the adopted plan.
- 6.1.12 The site is a proposed allocated site within the Local Plan Review (SMH038) with the following development guideline for 35 dwellings:

Development following appropriate relocation of existing site occupants.

Development to fund an appropriate estate road junction onto Overton Road.

Opportunities for retention and conversion of historic school building to be sought.

An assessment of whether the open space on the site is surplus to requirements must be undertaken. If this concludes the open space is not surplus, then an appropriate financial contribution will be required to fund the equivalent or better provision.

The scheme design should complement the site setting and reflect outcome of ecological and heritage assessments.

Provision of a suitable water supply and foul-water disposal which will not adversely affect the River Dee SAC must be demonstrated via HRA for this site to be developed.

The design and layout of development and appropriate boundary treatments should mitigate noise from the road to the east of the site.

The site will incorporate appropriate sustainable drainage, informed by a sustainable drainage strategy. Any residual surface water flood risk will be managed by excluding development from the affected areas of the site, which will form part of the Green Infrastructure network. Flood and water management measures must not displace water elsewhere.

- 6.1.13 With regards to the weight that can be given to emerging local plans the NPPF advises the following at paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
- and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 6.1.14 The review of the Local Plan is at an advanced stage of preparation. The pre-submission draft of the local plan has just come to the end of a regulation 19 consultation and it is anticipated that a final version of the draft will be considered by Full Council later in 2021 and following this, if approved, would then be submitted to the Planning Inspectorate for independent examination. It is anticipated the Examination process will last at least 12 months, and it is therefore hoped to move to adoption of the Local Plan in Summer 2022, subject to a successful Examination process.

- 6.1.15 In terms of the weight that might be afforded to the revised local plan the Council's Planning Policy team advises (emphasis applied):

“Paragraph 10.1 of the applicant’s Planning Statement argues the proposal is “fully Development Plan compliant”. It is strongly considered this is not the case.”

“The site is included as a proposed housing allocations for around 35 dwellings in the ongoing Local Plan review. The inclusion of the site in the Plan review has been subject to two significant consultations at the Regulation 18 stage of plan preparation in November 2018 and July 2020. Neither of these consultations have led to significant objections being made to the site’s inclusion as an allocated site. At the most recent consultation Welsh Water specifically provided comments on the site indicating that the public sewerage network was capable foul flows from the site. The Council still needs to assess the outcomes of the Regulation 19 consultation, although it is understood the Parish Council have indicated continued support for the inclusion of this site within the Local Plan.”

*“Notwithstanding the above, it remains the view that **the weight that can be attached to the emerging Local Plan Review as things stand is very limited.***

The Plan needs to be subject to agreement to submit and then subject to an examination in public. It is the examination process, with the external scrutiny, which affords the Plan increased weight, with this process due to be undertaken during 2021 and early 2022”

- 6.1.16 The key planning issues to consider in the context of the site not being policy compliant and the emerging local plan attracting very limited weight at this time, is whether material considerations are sufficient to outweigh this.
- 6.1.17 With regard to factors in support of the development, a substantial part of the site is previously developed land incorporating the former school buildings and hard surfaced areas. Paragraph 84 of the NPPF states:

“The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

This would be a factor in favour of development in principle on the previously developed part of the site as it is well-related to the built-up area of St Martins. For clarification the definition of previously developed land excludes “*land in built-up areas such as residential gardens, parks, recreation grounds and allotments*”. In officers view this exclusion applies to the undeveloped green areas of the school, previously used for sport or recreation.

- 6.1.18 Another key benefit of the proposal is the provision of 13 affordable homes. There is a significant need to provide affordable housing across the County and St Martins is a location where housing market viability generates less affordable housing to be policy compliant than other parts of the County, 10%. The policy requirement for this site would ordinarily deliver 3.5 affordable dwellings (the 0.5 being provided as a financial contribution). However, the Vacant Buildings Credit resulting from the former school buildings can be applied and as a consequence there is a reduced requirement for 1.33 affordable dwellings i.e. one affordable dwelling to ensure policy compliance, with the remaining fraction as a financial contribution.
- 6.1.19 The current proposal would provide an additional 12 affordable dwellings (originally 10 additional to policy but the applicant has extended the offer to provide 13 affordable dwellings overall) and this would be a significant factor if this were a policy compliant site. With regard to the current planning policy context the previously developed element of the site could potentially be redeveloped (in principle) on an open market basis subject to existing planning policy requirements. The remainder (around 50%) of the site could be developed on a rural exception site basis – i.e. 100% affordable housing provision. Therefore, in terms of achieving compliance for affordable housing against the current policy context across the whole site more than 50% of the properties (more than 18) would need to be affordable. The development as first proposed provides for 31% affordable. The applicant has offered to increase the number of affordable properties to 13 which would increase the contribution to 37%. This is not insignificant but still falls short of the point where a policy compliant case could be made at this time specifically with regard to affordable housing.
- 6.1.20 The timing of the consideration of this planning application is relevant to the

potential outcome insofar as a determination for a planning application on this site once the local plan is adopted (mid 2022) is likely to be considered against an allocated housing site. The policy compliant affordable housing requirement would then only be 1.33 dwellings having regard to Vacant Buildings Credit as set out above. The reason for the planning application being submitted for consideration now is specifically to meet timeframes that the applicant is seeking to meet, linked also to deadlines set by external funders that support the delivery of the affordable housing. This is a finely balanced issue, the quantum of affordable housing offered now significantly exceeds what might be delivered if the site is allocated for housing once the local plan is adopted, however this application has to be assessed against the current planning policy context which, delivers an under-provision over the site as a whole (para 6.1.19 refers).

- 6.1.21 The applicant has submitted a supplementary statement to outline the benefits of allowing this proposal to be weighed against the conflict with the adopted development plan policies. This statement offers the 7 benefits with officer comment below:

All homes will be built to future homes standard which means that they are at least 20% more energy efficient than a typical new build property. This is a key objective of the recently approved Climate Change Strategy to push up building standards. This scheme will be an exemplar to other builders on how sustainable standards can be improved in an efficient and cost-effective manner.

Comment: This is welcomed as good practice and could attract some limited weight in the planning balance

CDL are proposing to add traffic calming measures to the North entrance into St Martins at the request of the Parish Council. These works would be over and above the measures that have been requested by the highway authority for this development.

Comment: This is welcomed as good practice and it is not required to make the scheme acceptable in planning terms but attracts support from the community.

CDL are providing 11 affordable houses on a development which will deliver 35 homes in total (31%). We note the recently approved scheme for 80 units at St Martins will be delivering 8 affordable homes of a lower spatial standard. The provision of affordable housing is a corporate priority of Shropshire Council.

Comment: This is clearly material and a significant issue, the offer has been extended to 13 affordable homes (37%) but as stated in paragraph 6.1.19 when assessed against the current local plan would not achieve policy compliance having regard to the site overall.

The property mix proposed for the site is in-line with the request from Housing Strategy and the Parish Council with a number of bungalows and entry level homes being built on the site. We are also introducing a local connection criteria in partnership with the Parish Council. –

Comment: This is necessary for policy compliance.

The site will offer a range of tenures including low-cost home ownership, market sale and affordable rent. We note the lack of availability of low-cost home ownership homes in St Martins.

Comment: This supports policy compliance.

All housing is designed to meet NDSS standards, and offer flexible living spaces, providing facilities for home working and schooling. These space standards are not currently offered within proposed new development within St. Martins, and ensures that Cornovii Developments are able to offer housing suited to the needs of families, as new methods working and schooling prevail.

Comment: A welcome benefit and something that is being sought on new development more widely.

Land to the SW of the site will be landscaped to form a POS, which will include a nature walk, and an installation providing historical information related to the Ifton school, in order to underline the heritage of both the school site, and its historical importance within the village.

Comment: The proposed open space provides 148 square metres of additional open space over the policy compliant amount of 3,060 square metres (based on the number of persons/beds) and could attract some limited weight in the planning balance (see paragraph 6.4 below).

6.1.22 The applicant has also offered to make a contribution of £30,000 in lieu of the loss of the existing school playing field to help deliver sports pitches elsewhere in the community. This is required to make the scheme acceptable in planning terms having regard to the relevant policy requirement.

6.1.23 The benefits of the proposal also need to be considered against dis-benefits. The application includes the demolition of the former Ifton school, a traditional redbrick building occupying a prominent part of the site adjacent to Overton Road. This is considered to be a non-designated heritage asset, it is not listed or situated in a conservation area but clearly a building of some architectural quality and valued by members of the community. The retention and conversion of this building would be acceptable in policy terms and would be supported by CS5 and MD7a as referred to in paragraph 6.1.8 above.

6.1.24 With regards to the loss of heritage assets the NPPF states the following:

197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Core Strategy policy CS17 seeks to ensure that all development contributes to local distinctiveness, having regard to the quality of Shropshire's heritage assets, and protects and enhances the diversity, high quality and local character of

Shropshire's built and historic environment, and does not adversely affect the visual, ecological or heritage values of these assets. SAMDev policy MD13 states that the loss of a non-designated heritage asset will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. The provision of a significant amount of affordable housing is considered to be of public benefit but the current proposal is not considered to provide sufficient affordable housing to outweigh both the conflict with policy MD13 (loss of a non-designated heritage asset) and the policies identified relevant to the location and provision of housing within the adopted development plan.

- 6.1.25 The applicant has been asked to consider retaining the historic part of the school building and converting it to provide 3 dwellings which would comply with policy that allows for the conversion of buildings of heritage and/or architectural merit, this is also an objective of the emerging local plan should the site be allocated for housing (6.1.12 refers). This could provide 3 or more open market dwellings through conversion and leave 29 new build 13 of which would be affordable. A scheme such as this that included a policy compliant element (conversion) and more affordable housing could be viewed more favourably and supported at this time in advance of the local plan review.
- 6.1.26 An independent viability assessment has been undertaken and indicates that a proposal to include conversion of the old part of the school to 3 units and the provision of 29 new build houses including 13 affordable units would be viable and this scheme provides a benchmark land value (BLV). Using this BLV an alternative scheme for 35 new build dwellings including demolition of the school that provided 18 affordable units and 17 open market would also be viable and provide a residual land value the same as the BLV.
- 6.1.27 The applicant has been asked to consider offering 18 affordable houses instead of the 13 now offered but has not agreed to this on the grounds that this would render the project unviable and the findings of the viability assessment are also disputed by the applicant.
- 6.1.28 In conclusion it is considered that the development of this part brownfield site for a scheme that currently provides 35 new build homes including 13 affordable homes with traffic calming measures offers insufficient material considerations or benefits to outweigh the harm of the conflict with the currently adopted plan and does not provide sufficient public benefit that would compensate for the loss of the old school building considered to be a non-designated heritage asset.

6.2 **Layout, scale, design character and appearance**

- 6.2.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.2.2 The applicant has undertaken an assessment of the village having regard to the

type and design of residential properties and proposes a form of development that has some traditional characteristics with brick elevations and ridged rooves albeit expressed in a contemporary idiom with crisp detailing arranged in a broadly conventional form with street frontages parallel to straight roads. A mix of detached and semi-detached properties are proposed no more than two storeys in height.

- 6.2.3 The houses consist of a mix of 1, 2, 3 and 4 bed properties of which 3 are bungalows. The former school building would be replaced with three pairs of semi-detached properties occupying a similar position facing Overton Road with parking to the rear and some soft landscaping. The School House is proposed to be retained as a single dwelling. The overall layout, scale, design and appearance of the development and landscaping of the site is considered acceptable and would have no significant adverse impact on the character and appearance of the locality or adversely impact on existing residential amenity.
- 6.2.4 The demolition of the part of the school building considered to be a non-designated heritage asset is however not considered to be acceptable without significant public benefit being provided to outweigh this loss as outlined in paragraph 6.1.24 above. At this point in time it is not considered that the proposal offers significant benefit to outweigh the loss of this building. If the site was already an allocated site, the proposal would still be required to offer public benefits to allow the loss of this building.
- 6.2.5 The applicant's latest noise assessment recommends that a 1.8m acoustic fence be provided along the front boundary to mitigate against noise. It is considered that this would be visually prominent and would require careful design, the details of which have not yet been submitted and should committee support the application details of this would need to be subject to a planning condition requiring the detailed design to be first agreed.

6.3 **Access/parking**

- 6.3.1 Access to the site is by way of a junction with Overton Road in the vicinity of the current school vehicular access to the northern part of the site. The carriageway terminates in a series of cul-de-sacs and each carriageway has a footway either side. A pedestrian path through to Overton Road is provided toward the centre of the site. Each property has two parking spaces. Highways have no objection to the proposal.

6.4 **Open space provision and loss of playing field**

- 6.4.1 The former playing field forms part of the application site and the proposal would result in the loss of this field. Paragraph 97 of the NPPF states the following with regards to development on playing fields:

97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;*

or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 6.4.2 An 'Open Space & Playing Fields Assessment' and 'Further Statement' have been submitted which states that '*Full compensatory playing fields and open space were provided by the St Martins school (which holds academy status) when the new School was constructed in the settlement*'. No new school has been constructed and no new playing fields have been provided at St Martins school (previously known as Rhyn Park) since the primary school closed in 2012.
- 6.4.3 The current SAMDev policy settlement policy 14.2(v) identifies infrastructure investment priorities for St Martins and states that there is a recognised under provision of space for sport and recreation. It is an aspiration of the Parish and the community to provide additional outdoor sports facilities and planning permission 19/01268/FUL has been approved for outdoor sports pitches but has not yet been implemented. The S106 attached to planning permission 19/03995/FUL for the erection of 80 homes in St Martins secured the offer of the land to the PC that planning permission 19/01268/FUL relates to but does not include any funding.
- 6.4.4 No facilities have been provided in the St Martins area since the primary school closed and that whilst it is good that land has been set aside for new sports pitches (secured by the planning permission for 80 houses) nothing has yet been provided and without a significant sum of money the scheme is unlikely to be delivered.
- 6.4.5 It is considered that the information submitted does not adequately demonstrate that the former playing field at the rear of the site is surplus to requirements and so alternative provision or a financial contribution is required to mitigate this loss. The SC Leisure Services officer has confirmed that the developer of the Ifton Heath site should be required to make an appropriate financial contribution to help deliver these sports pitches and that taking into account the relative small size of the playing field to be lost (equitable to a mini pitch), that a sum of £30,000 would be appropriate. This sum should be secured to put towards the St Martins project or used on other projects with the Oswestry Place Plan Area and as per the projects and recommendations set out in the Playing Pitch and Outdoor Sports Strategy and Action Plan.
- 6.4.6 The applicant has agreed to make a contribution of £30,000 to mitigate the loss of the playing field and considers that this should be seen as another benefit of the proposal to weigh in favour of the proposal. However, this contribution is not over and above what would be required for development of this site to comply with policy.
- 6.4.7 MD2 requires that open space should be provided at 30 square metres per bed space. The revised proposal provides for 102 bedrooms generating a requirement for 3,060sq m of public open space. The application makes an over provision of 148 square metres of open space against this requirement of 3,208. The majority of the open space is provided in an area that includes a number of established trees and provides a nature walk. Whilst this open space provides valuable outdoor amenity space it does not offer opportunity for sport and does not compensate for the loss of a playing field which is why it is essential and necessary

that the development provides a contribution toward sport facilities elsewhere within the community.

6.5 **Trees and landscape**

6.5.1 A landscape proposal has been provided and reviewed by both the SC Tree Officer and Ecologist. The proposal would not result in the loss of any significant trees and the recommended conditions would ensure the protection of trees to be retained and the establishment and sustainability of those to be planted. It is considered that the submitted landscaping plan is satisfactory and a condition could ensure the implementation and future management and maintenance of open space and landscaped areas not within private gardens.

6.6 **Ecology**

6.6.1 Ecology surveys have revealed the presence of bats within some of the buildings to be demolished. Mitigation and compensation measures have been submitted that will include the provision of bat boxes, and other ecological enhancements such as bird boxes are recommended.

6.6.2 SC Ecology team has confirmed that the proposed development will not be detrimental to the maintenance of the population of bats at a favourable conservation status within their natural range provided that the recommended conditions are included in any decision notice for approval and are appropriately enforced. Work proceeding in accordance with these conditions will ensure the protection of wildlife and the provision of ecological enhancements required by policy MD12 and CS17. A European Protected Species licence will be required for the proposed work. The 'three tests' must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful. In case the application was recommended for approval an EPS 3 tests matrix has been provided by the Ecologist with part 3 completed and is included in appendix 1 of this report.

6.6.3 If the application was being recommended for approval tests 1 and 2 would need to be considered and completed. Test 1 requires the decision maker to determine whether the development is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment?' Here the provision of housing and in particular affordable housing is in the public interest and the issue in weighting the benefits of the affordable housing is whether this meets the requirements of the first test. Officers conclude that it does not in the current planning policy context. Test 2 requires the decision maker to consider whether there is 'no satisfactory alternative?' As outlined in the report above officers consider that the development proposed is not acceptable in light of the current planning policy context and it is considered that there are alternatives for the development of this site that could offer overriding and more significant public benefits of a social or economic nature than currently proposed.

6.7 **Impact on residential amenity**

6.7.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development '*creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*'.

6.7.2 Having regard to density, plot sizes and property separation distances it is considered that the proposed design and layout is considered to be policy compliant in terms of the amenity impacts for existing and future residents. However, mitigation for surrounding noise sources for future residents is not at the time of writing resolved.

6.8 **Noise**

6.8.1 In response to comments made by Regulatory Services with regard to potential noise impacts from the Overton Road and from established commercial sites to the North and west of the application site the applicant has provided a revised Noise Impact Report. The report assesses the potential impact of noise on future occupants of the development and responds to comments made by the Council'92s regulatory services team. It concludes:

“Openable windows may not be relied upon as a means of background ventilation, and an alternative ventilation strategy should be offered such as appropriately specified trickle ventilators (with openable windows for rapid ventilation/cooling on facades not facing Overton Road or Ridgway Rentals).”

An assessment of industrial noise impacts from the existing Ridgway Rentals site has been carried out. Although the BS4142 assessment as indicated a probability of adverse impact externally to the houses to the very north of the site, through consideration of the site context and embedded mitigation afforded by the control of environmental noise intrusion it has been demonstrated that incident noise from industrial activities can be controlled to an internal level sufficiently low as to minimise the risk of complaint due to internal noise levels.”

6.8.2 The applicants noise impact report also recommends the provision of acoustic fencing to the front of properties facing Overton Road as follows:

“we recommend that a 1.8 m high close boarded timber fence with a minimum surface mass of 10 kg/m² is indicated in the location indicated in Section 8.0. This could be achieved using two or more layers of a wide range of materials including, for example, plywood or equivalent sheeting board to a suitable thickness required to achieve the mass per unit area. All junctions should be staggered.”

6.8.3 At the time of writing comments are awaited from Regulatory Services with regards to the latest Noise Impact report recommendations. The report was received on 24th February and while responding to the acoustic issues may generate other planning considerations such as the visual impact of a 1.8M acoustic fence adjacent to the footway boundary with Overton Road. Should this be considered

necessary to address Regulatory Services requirements then the specific siting and design would also need to be agreed in the event of the application being approved so that the impact on the street scene can be taken into account and the detailed design together with any landscape mitigation provided.

6.9 **Drainage**

6.9.1 As the site is greater than 1ha a flood Risk Assessment has been submitted for consideration. In the further statement dated 8 February 2021 revised Catchment and Drainage Strategy Reports are referred to but these reports have not been submitted. WSP (on behalf of SC drainage) have advised that revised drainage details, plans and calculations should be submitted for approval based on the revised site plan. They have also commented that discharging of private surface water from the development site into the highway drain is subject to obtaining consent from the Highway Authority.

6.9.2 As a satisfactory drainage scheme has not yet been provided WSP have recommended a pre-commencement condition requiring a scheme of surface and foul water drainage to be submitted to and approved in writing by the Local Planning Authority. The applicant has agreed the imposition of such a condition on any approval.

7 **CONCLUSION**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.2 The settlement of St Martins is identified as a Community Hub in the Policy S14.2(v) of the adopted SAMDev Plan, which includes a housing requirement of around 200 dwellings over the plan period. In delivering this requirement, the Plan identifies a specific allocation (STM029) for 80 dwellings. The latest monitoring data indicates the settlement is delivering well against its planned requirement, and therefore it is considered SAMDev Policy MD3 (3) is not engaged. The application is for residential development of a site that is not allocated for development and the proposal is therefore contrary to the adopted development plan as it conflicts with Core Strategy Policies CS1, CS2, and CS5 and SAMDev Policies S14.2(v), MD1, and MD7a.

7.3 It is acknowledged that there is a benefit in bringing forward housing delivery and in utilising previously developed land. The delivery of 35 new build homes and in particular the provision of 13 affordable homes is a significant benefit to the scheme. Other benefits include additional traffic calming, open space and a contribution to the provision of sports facilities in the community. However the overall benefits are not considered sufficient to outweigh the harm of the conflict with the adopted local plan and do not provide sufficient public benefit that would compensate for the loss of the old school building considered to be a non-designated heritage asset. The presumption in favour of sustainable development outlined in paragraphs 11 and 12 of the NPPF is not engaged as Shropshire Council has a 6.42year housing land supply and local plan policies relevant to the determination of the application are therefore up to date. Furthermore, very limited

weight can be given to the emerging development plan as the local plan review has not yet reached a sufficiently advanced stage.

7.4 In addition, the noise mitigation strategy recommended on behalf of the applicant has not been supported by any design details and so the visual impact of this should it be necessary in support of the proposal has not been assessed. The European Protected Species three test matrix is not met as a consequence of the planning balance not demonstrating an overriding benefit from the development to outweigh the conflict with the adopted plan.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the

public at large, rather than those of any particular group. Equality will be one of a number of ‘relevant considerations’ that need to be weighed in Planning Committee members’ minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS1, CS4, CS5, CS17, S14.2(v), MD1, MD2, MD7a), MD12 and MD1

11. Additional Information

List of Background Papers

Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder) - Councillor Gwilym Butler

Local Member - Councillor Steven Davenport

APPENDIX 1: EPS 3 Test Matrix (Test 1 and Test 2 to be completed if recommended for approval)

European Protected Species Three Tests Matrix

Test 3 completed by Shannon Davies Planning Ecologist

shannon.davies@shropshire.gov.uk

Test 1

Is the development ‘in the interests of public health and public safety, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

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Test 2

Is there ‘no satisfactory alternative?’

Test 3

Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?

Bat surveys between May and June 2020 identified the following bat roosts in the buildings:

- Building B1 – day roost for low numbers of common pipistrelle bats;
- Building B2 – infrequently used day roost for low numbers of lesser horseshoe bat, day roost for low number of common pipistrelle bats; and,
- Building B3 - infrequently used day roosts for low numbers of lesser horseshoe and brown long-eared bats.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

Section 7 of the Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation Strategy (Middlemarch, Environmental Ltd, February 2021) sets out the following mitigation and compensation measures, which will form part of the licence application:

Pre-works survey

A pre-works survey will be undertaken immediately prior to any building or demolition works taking place. This will comprise a daytime assessment and a nocturnal emergence survey (where weather conditions and seasonality permit). This will ensure that the bat roosting status of the site has not altered since the activity surveys were undertaken. If the status has not altered, then works can proceed as per the Natural England licence. If the status of the bat roost has changed, advice will be sought from Natural England.

New Roost Creation

Due to the presence of roosts of void dwelling bat species on site, in particular the present of lesser horseshoe bat, it will be necessary to construct a ‘bat barn’ prior to the demolition of buildings B2 and B3. This will be constructed at the location shown on Drawing C152069-02-05 in Chapter 8. This approach has been discussed and approved by the client. The ‘bat barn’ will have features incorporated into the design to provide replacement roosting habitat for both crevice dwelling (e.g. common pipistrelles) and void dwelling species (e.g. brown long-eared bats and lesser horseshoe bats). The structure will also provide a shelter and seating area for residents using the area. The design of the structure and key features for bats are shown on drawings C152069-02-05 to -09 in Chapter 8.

Additional bat box features proposed at the site can be found in the Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation Strategy report (Middlemarch, Environmental Ltd, February 2021).

Timing of Works

No timing restrictions will be necessary for works to roosting locations within the buildings as they contain only day roosts. The construction of the bat barn will need to be completed prior to the demolition of any buildings which contain bat roosts.

Toolbox Talk

Prior to any works taking place on a building containing a bat roost, a ‘toolbox’ talk by a suitable experienced ecologist will be held with the site team in order to ensure that the

contractors are aware of the bat issues associated with the site. This ‘toolbox’ talk will discuss the appropriate methodologies to remove the features around the building to ensure that no harm to bats occurs.

Ecological Clerk of Works

All suitable bat roosting features present on Buildings B2 and B3 will need to be removed by hand under supervision of a licensed bat worker.

If at any point a crevice dwelling bat is discovered during the exclusion works then it will be caught by hand, placed in a cotton bag and transferred to one of the bat boxes installed on the site. If a void dwelling species is discovered, then it can be placed directly into the created bat barn.

The site works will not be undertaken when it is raining to ensure that bats do not get wet when re-located to their new roost location. The bat boxes are suitable for year-round use by crevice dwelling bats.

Any recovered bat droppings found during the works will be relocated to the bat boxes or bat barn installed on site prior to works commencing.

In the unlikely event that a bat becomes injured, any injured bats will be immediately taken into care (as directed by the Bat Workers Manual, 2004). Details of a local experienced bat carer are known.

Unexpected Bats Following Completion of Exclusion Works

If a bat is discovered unexpectedly, works to the building will stop immediately (to prevent any bat being disturbed or harmed) and the named ecologist or accredited agent on the licence granted will attend the site. The mitigation installed on site is appropriate for year-round use and the bat worker will relocate any discovered bat using the methodologies detailed above. The site will be re-assessed or if an amendment to the licence needs to be submitted to prevent breaches of the licence granted by Natural England.

Lighting

Any new lighting should be designed in accordance with the principles of ‘Landscape and Urban Design for Bats and Biodiversity’ as published by the Bat Conservation Trust (Gunnell et al, 2012). In particular, lighting should not impact on the boundary vegetation, or retained vegetation south of the development, or upon the bat barn. Materials used under lights, such as floor surfaces, should have a minimum reflective quality to prevent light reflecting upwards into the sky. This will ensure that bats using the site and surrounding area to roost/forage/commute are not affected by illumination.

The design of any lighting strategy for the site should be discussed with and approved by Middlemarch Environmental Ltd to ensure that no roosting locations installed on site are subject to illumination and connectivity between roost sites and foraging grounds is maintained.

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of Common Pipistrelle, Lesser Horseshoe and Brown Long-eared bats at favourable conservation status within their natural range, provided that the conditions set out in the response from Shannon Davies to Jane Raymond (dated 25th February 2021) are included on the decision notice and are appropriately enforced. The conditions are:

- European Protected Species Licence;
- Working in accordance with protected species survey reports;
- Ecological Clerk of Works condition (bats) – this includes confirmation of the roost provision as stated in the Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation

Strategy (Middlemarch, Environmental Ltd, February 2021) report.
- Lighting plan.

APPENDIX 4: 9 March 2021 Northern Planning Committee Schedule of Additional Letters

NORTH PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 9 th March 2021		
<p>NOTE: This schedule reports only additional letters received before 5pm on the day before committee.</p> <p>Any items received on the day of Committee will be reported verbally to the meeting</p>		
Item No.	Application No	Originator
5	20/02248/FUL: School House Ifton	Applicant 01/03/2021
<p>Submission of a revised landscaping plan including outline specification notes regarding no-dig construction and a statement regarding soil volumes to address the latest comments from the tree officer.</p> <p><u>OFFICER RESPONSE:</u> The additional information and revised plans addresses the tree officer's comments such that if the application was being recommended for approval any planning conditions relating to landscaping and tree protection could be appropriately worded.</p>		
Item No.	Application No	Originator
5	20/02248/FUL: School House Ifton	Regulatory Services 01/03/2021
<p><i>Environmental Protection has reviewed the updated noise report and had discussions with the developer and noise consultant.</i></p> <p><i>The report shows that the garden areas and the façade noise levels of properties facing onto Overton Road will exceed guidance noise levels. It also shows that the rating level of industrial noise at many of the façades and garden areas to properties to the north and west of the site will exceed the background level. At these levels there is a likelihood that the council will received noise complaints in the future.</i></p> <p><i>The developer has proposed a noise mitigation scheme that would require many of the properties to have an acoustic glazing and ventilation scheme that requires the windows to be kept shut in order to achieve acceptable internal noise standards. Whilst such a scheme can achieve the recommended internal noise environment and cooling for the properties, the fact that this cannot be achieved unless the windows are kept shut will have a detrimental impact on the quality of life for the future occupants.</i></p> <p><i>Many of the garden areas will not be able to achieve the recommended noise levels at all, and no further mitigation is feasible with the current design.</i></p>		

As I have previously commented this will have a detrimental impact on the amenity of these properties and there is a likelihood that the council will receive complaints in the future. If the complaints were found to be a statutory nuisance this may impose additional burdens on the neighbouring businesses. NPPF states that existing businesses should not have unreasonable restrictions placed on them as a result of a development.

As previously advised good acoustic design principles should be used to ensure optimum acoustic standards are achieved without adversely affecting the quality of life of the occupants. There is no evidence to suggest that design measures have been used to mitigate the noise for example considering site and building layout and orientation of buildings.

OFFICER RESPONSE: The following additional reason for refusal is recommended:

4. Many of the garden areas will not be able to achieve the recommended noise levels and optimum noise standards and it has not been satisfactorily demonstrated that noise mitigation to provide acceptable internal noise standards could be achieved without an acoustic glazing and ventilation scheme that requires windows to be kept closed. It is considered that the proposed development would therefore have a detrimental impact on the quality of life of future occupants and would not protect the operation of neighbouring businesses and would be contrary to Local Plan policy CS6 and MD2, paragraph 180 and 182 of the NPPF and the Professional Practice Guidance on Planning and Noise (ProPG).

Item No.	Application No	Originator
5	20/02248/FUL: School House Ifton	RCA regeneration (Independent development/viability consultants)

RCA have undertaken an independent viability appraisal with the following conclusion:

8.1. This viability assessment has considered the Full Planning Application (ref: 20/02248/FUL) which proposes 35 new build dwellings. Due to Vacant Building Credit, the scheme is only liable to provide 1 affordable unit. However, the applicant is proposing 11 affordable units, so an additional 10 above the policy requirement.

8.2. The applicant is of the view that retention and conversion of the school building is not viable, therefore, proposes to demolish it and replace it with 6 semi-detached units. However, the Council wishes to retain the Non-Designated Heritage Asset and would ideally like to see it converted. The school could convert into 3 units, with an additional 29 new build units to the rear (32-unit scheme).

8.3. We have undertaken a detailed review of both scheme options and considered the viability of both options, when assessed against a Benchmark Land Value.

8.4. We have advised on two BLVs, depending upon whether or not grant funding would be forthcoming for 18 units on a Rural Exception Site basis. We have determined a BLV 1 of £650,000 and a BLV 2 of £584,000.

8.5. We have concluded that for the 32-unit scheme to be viable, all new build units (29) need to be provided as affordable and grant funding is forthcoming on 28 of these units (additional affordable units provided above the policy requirement of 1 unit). The tenure split of the affordable units varies depending on which BLV is assumed. These appraisals are Option 4 and Option 6.

8.6. We have concluded that for the 35-unit scheme to become viable, when adopting BLV 1, then a small reduction in profit will need to be made. The 35-unit scheme is viable if BLV 2 is adopted.

8.7. Our report details our assessment and provides a range of options for the Council to consider when determining this planning application.

OFFICER RESPONSE: The Benchmark Land Value (BLV) is the value of the land assuming that a scheme for development of this site would be acceptable having regard to adopted local plan policy and national planning policy and guidance. It is considered that it has not been satisfactorily demonstrated that an alternative development to the proposed scheme that included retention and conversion of the part of the school considered to be a non-designated heritage asset to three or four dwellings and/or that included substantially more affordable housing would not be viable.

Item No.	Application No	Originator
5	20/02248/FUL: School House Ifton	Applicant 03/03/2021

Requests that the 'Northern Planning Committee consider a deferral of the Ifton Heath planning application to allow Cornvooii Development Limited an opportunity to consider and address the draft reasons for refusal and consider the viability assessment undertaken by RCA consulting'.

Item No.	Application No	Originator
5	20/02248/FUL: School House Ifton	Conservation 04/03/2021

Details: Additional information has been submitted by Cornvooii's heritage consultant. Having reviewed this information we do not agree with many of the assertions made within the text regarding the advice given by Historic England in its designation selection guidance. The guidance does not specifically advise "... that the significance of individual schools is usually judged in a national context and is closely related to the work of a renowned architect, age, architectural form, detailing and technical innovation.... Historic association with prominent individuals or education movements may also figure. Its completeness in terms of original features fittings and setting is similarly relevant." (CJ Richards, undated). Indeed the selection guidance advises "The rarest survivals can be very humble, especially pauper and factory schools, and may be easily overlooked because they are plain and have no distinctive plan form. Their very humility lends them significance, and they should not be judged against grander schools. The survival of internal fittings is likely to add interest." Also, the selection guidance states "Preservation and degree of survival will be relevant, alongside architectural interest, planning, earliness of date, and the rarity of the type of school in question. External architectural quality is usually the most striking feature of schools of this period, and is a fundamental criterion for listing. Some school boards (especially in

the major cities) consistently produced designs of great interest, but a school does not necessarily have to attain these high standards for designation to be warranted: regard should be given to the local context, and the sort of school that is being considered. Interiors matter too: fixtures were generally plain and most plans were formulaic and increasingly standardised: exceptions are thus of interest. (Historic England designation guidance, 2017).

The report also comments, stating that the building encouraged good ventilation and cross air flow through the class rooms (via the large sash windows on both front and rear elevations), the arched roof trusses remain (currently hidden by the suspended ceilings) and original joinery and flexible folding partitions remain in workable order. All of these qualities are considered by the HE Team to be reasons to retain and reuse the building as it does have significance, character and is a landmark building in the streetscape and also within the community.

With regard to the design of the proposed dwellings. No further alteration or amendment has made to improve the design of the proposed dwellings and thus they remain bland and uninteresting.

We would also note that the plots that are proposed to replace the school building do not face the road and have their private gardens facing the road with only a low wall indicated (TBC). This would not appear to be a satisfactory or useable secure space to serve three and four bed dwellings.

It is also noted that there is a blank elevation opposite the entrance to the development which is uninteresting in terms of design Plot 35 (this was noted in previous comments as plot 40). Some house types along the frontage do not appear to have been submitted 3SE?

Pavements are still noted on both sides of the accesses road, even in certain shared no-through zones. needed on both sides of the road all of the way through the development?

Previous comments were made regarding the costs analysis and it would appear that no further update has been received in this regard.

RECOMMENDATION: There is insufficient information submitted and justification provided which clearly evidences that demolition is the only option for the identified buildings.

There is concern regarding the total loss of the identified buildings and this will need to be considered in the planning balance under para 197 of the NPPF where consideration of the loss of embodied energy should be a factor when looking at the overall benefits of the scheme. We would also consider that the scheme does not comply with the other policies noted above.

Officer response: The third recommended reason for refusal states the following:

3 Whilst the scale, design and layout of the development is acceptable the applicant's noise assessment recommends that a 1.8m acoustic fence be provided along the front boundary to mitigate against noise and no details have been provided and it is considered that this would be visually prominent and would have

an adverse impact on the character and appearance of the locality contrary to Local Plan policies CS6, CS17, and MD2.

Details of the acoustic fence proposed along the front boundary have not yet been received. If the proposal could be amended so that the houses along the front (or a proposal that included retention and conversion of the front part of the school) could be orientated so that the development that fronts the road has mainly non-habitable windows in this road facing elevation (typically this means having kitchens, utility rooms, entrance halls, bathrooms and landings facing the noise source) and with private gardens situated to the rear, this might address some of the concerns regarding noise mitigation for the houses at the front and the visual impact of the proposal.